

16. PROPOSED AMENDMENTS TO ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW (2009) TO CREATE PERMANENT ALCOHOL BANS FOR MERIVALE AND PAPANUI



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**PURPOSE OF REPORT**

1. This report seeks the Council’s approval to commence the Special Consultative Procedure (SCP) to create permanent Alcohol Ban Areas for Papanui and Merivale through amendment of the Alcohol Restrictions in Public Places Bylaw 2009 (the 2009 Bylaw). Council approval is also sought for the Statement of Proposal, the proposed Amendment Bylaw and the Summary of Information required by sections 83 and 86 of the Local Government Act 2002 (the Act).

**EXECUTIVE SUMMARY**

2. On 23 February 2012, the Council considered preliminary advice on the effectiveness of the temporary bans introduced in September 2011 for Papanui and Merivale. The Council resolved to extend the temporary alcohol bans and to request staff to undertake analyses under section 155 of the Act with regards to making permanent alcohol bans for these areas.
3. Under section 155 of the Act, an analysis is required for each new area in which the bylaw might apply; the required analysis is appended **[Attachment 1]** to this report. The Act requires authorities to determine that the proposed Bylaw:
  - (a) is the most appropriate way of addressing the perceived problems
  - (b) is in an appropriate form
  - (c) is not inconsistent with the New Zealand Bill of Rights Act 1990.
4. Any bylaw which the Council makes must be reasonable. The reasonableness of a bylaw relates to the surrounding facts, including the nature and condition of the locality in which it is to take effect, the problem it seeks to solve or remedy and whether public or private rights are unnecessarily or unjustly invaded. The fact that there must be a “problem” is emphasised by the Act which requires the Council to determine the perceived problem and to determine that a bylaw is the most appropriate way of addressing the perceived problem.
5. The Police support the introduction of permanent bans to Papanui and Merivale, see **[Attachment 5]** and Police statistics show a trend of increasing levels of alcohol related offending in Papanui and Merivale, following the February 2011 earthquakes. Data collected since the introduction of temporary bans generally supports the bans, as does the results of consultation with Community Boards, the New Zealand Police, residents associations and a survey of business operators. Given the need for and apparent effectiveness of the Alcohol Bans, staff have concluded that there is sufficient evidence in terms of section 155 of the Act to commence the SCP to create permanent bans for Merivale and Papanui.
6. This report presents three options for Council consideration:
  - Option one: “Status quo” in terms of permanent bans. Retain the current bylaw with its existing Permanent Alcohol Ban Areas and do not proceed with making permanent Alcohol Ban Areas for Papanui and Merivale. (The current temporary bans will lapse.)
  - Option two: Further extend the temporary alcohol bans for Merivale and Papanui beyond their current 9 September 2012 expiry date. Staff do not recommend this option as it is contrary to legal advice.
  - Option three: An amendment to the 2009 Bylaw making new Permanent Alcohol Ban areas for Merivale and Papanui. This will require a revocation of the existing Permanent Alcohol Ban Area for Northland Mall Surrounds.
7. Staff recommend option 3 and propose that permanent alcohol bans apply in Papanui and Merivale for the same areas, days and times as the existing temporary Alcohol Bans. In accordance with section 156 of the Act, a SCP will be required to amend the 2009 Bylaw. If the proposed amendment is adopted, the permanent alcohol ban should take effect before the temporary alcohol bans lapse on 9 September 2012.

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**FINANCIAL IMPLICATIONS**

8. The cost of public notices and other publicity for a SCP is estimated to be in the order of \$5000. Publicity and general communications related to the proposed amendment to the 2009 Bylaw can be funded through the existing City and Community Long-term Planning and Policy Activity budget for 2011/12 and 2012/13.
9. The cost of new signage for permanent bans is estimated to be approximately \$4500. Signage relating to Alcohol Bans have been budgeted for within the Strategy and Planning Group budget for 2012/2013.
10. The Council is not responsible for (the costs of) enforcement as the Police are empowered by the Act to enforce the provisions of any bylaw made for "liquor control" purposes. Section 169 of the Act gives the Police powers of arrest, search and seizure in relation to the bans. This is different from many bylaws, where enforcement is undertaken by warranted Council officers.

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

11. See above.

**LEGAL CONSIDERATIONS**

12. Under section 145 of the LGA 02, the Council may make bylaws for one or more of the following purposes:
  - (a) protecting the public from nuisance,
  - (b) protecting, promoting and maintaining public health and safety,
  - (c) minimising the potential for offensive behaviour in public places.
13. In addition, section 147 of the Act provides that the Council may make a bylaw for liquor control purposes. Section 147 essentially allows a council to make a bylaw prohibiting or otherwise regulating or controlling the consumption, possession and carriage of alcohol in public places, including in vehicles in public places. "Public places" in section 147 is confined to land that is under the control of the Council and open to the public, and includes any road, even if it is not under the control of the Council. It should be noted that the term "road" is capable of a reasonably wide interpretation.
14. The bylaw-making power in section 147 also explicitly exempts the transport of unopened bottles or containers of alcohol to or from licensed premises or private residences in an area covered by a bylaw made for liquor control purposes.
15. The process for making, amending or revoking bylaws under the Act is outlined in sections 83, 86, 155 and 156 of the Act. Section 155 requires local authorities to determine that any proposed Bylaw:
  - (a) is the most appropriate way of addressing the perceived problems
  - (b) is in an appropriate form
  - (c) is not inconsistent with the New Zealand Bill of Rights Act 1990.
16. Section 156 of the Act requires the Council to use the SCP when amending a bylaw. In addition to this statutory requirement, the law generally requires that any bylaw must be intra vires (in other words within the statutory powers that authorise the bylaw), certain and reasonable. There is a considerable body of case law on what constitutes reasonableness in the bylaw context. The Courts have noted that in ascertaining the reasonableness or unreasonableness of a bylaw, they will look to the surrounding facts, including the nature and condition of the locality in which it is to take effect, the problem it seeks to solve or proposes to remedy and whether public or private rights are unnecessarily or unjustly invaded.

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17. The purpose of the 2009 Bylaw is to control anticipated or potential negative alcohol-related behaviour in any defined areas. Under clause 6 of the 2009 Bylaw, in Permanent or Temporary Alcohol Ban Areas, no person may:
  - (a) consume alcohol in a public place; or
  - (b) consume alcohol in a vehicle in a public place; or
  - (c) bring alcohol into a public place, whether in a vehicle or not; or
  - (d) possess alcohol in a public place, whether in a vehicle or not.
18. The 2009 Bylaw currently provides that certain areas of the city are "Permanent Alcohol Ban Areas" and the Schedule to the Bylaw prescribes the location and the times for the Permanent Alcohol Ban Areas; Council must therefore use the special consultative procedure before making a new permanent ban or before changing the area or time applying to a permanent ban.
19. The Bylaw also provides, under Clause 5, for Temporary Alcohol Bans which can be made by way of Council resolution without consulting the community through an SCP. However a temporary ban is designed to provide a short-term restriction of public or private rights only; the extension or 'rolling over' of a temporary ban is only 'reasonable' when (as for the current proposal) Council has expressed the intention to introduce a replacement Permanent Ban.

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

20. Yes – as above. A section 155 analysis is appended [**Attachment 1**] to this report. Analysis has been undertaken for each new area in which the bylaw might apply. It is not appropriate to re-consider the high level issues around permanent alcohol bans because the Council undertook the required section 155 analysis before making the 2009 Bylaw. In the current situation the relevant issues are those relating to the specific proposals for new permanent Alcohol Ban Areas.
21. As stated above, a section 155 analysis for the proposed Amendment Bylaw has been carried out by answering the following questions for each of the proposed Permanent Alcohol Ban Areas:
  1. What is the perceived problem in the "Area"?
    - (a) Define the problem
    - (b) Define the Area
    - (c) What are the related crime statistics for the Area?
    - (d) Is there any other qualitative research or other relevant data
    - (e) Summary of problem
  2. Is adding this Area to the Schedule of Permanent Alcohol Areas the most appropriate way of addressing the problem?
  3. Is the description of the Area and the times, days, or dates, during which the alcohol restrictions apply the most appropriate form?
  4. Are there any New Zealand Bill of Rights Act 1990 implications?
22. The draft Amendment Bylaw has been reviewed for vires, certainty and reasonableness.
23. If the Council decides to introduce a permanent ban with the same coverage as the temporary Papanui Alcohol Ban Area Council will need to revoke the current permanent ban for Northlands Mall and its surrounds. The temporary Alcohol Ban Area for Papanui covers a wider area, applies on a greater number days and over longer hours and there will be no need for the "Northlands Mall Surrounds Alcohol Ban Area".

**ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS**

24. This report is broadly aligned to the City and Community Long-term Planning Activity through the provision of advice on key issues that affect the social, cultural, environmental and economic wellbeing of the city.

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

25. Yes – as above.

**ALIGNMENT WITH STRATEGIES**

26. The *Safer Christchurch Strategy* aims to see rates of injury and crime decline, for people to feel safe at all times in Christchurch City and for Christchurch to have excellent safety networks, support people and services. The Amendment Bylaw supports the Strategy through the provision for alcohol bans which contribute to a reduced level of unacceptable behaviours and vandalism associated with excessive drinking in public places. The proposed Bylaw aligns also with Goal 7 of the *Strengthening Communities Strategy*, “Enhancing the safety of communities and neighbourhoods”.

**Do the recommendations align with the Council’s strategies?**

27. Yes – as above.

**CONSULTATION FULFILMENT**

28. Consultation has been undertaken with the New Zealand Police, Community Boards, residents associations and through surveys of Papanui and Merivale businesses. A summary of the findings of this consultation process is included in the section 155 report [**Attachment 1**]. The consensus view of those consulted is that alcohol bans are necessary in the current situation and should remain in place.

29. Those consulted reported that, following the February 2011 earthquake and the influx of new patrons to bars and restaurants in Merivale and Papanui, there had been a significant increase in alcohol related problems including, people urinating or vomiting on shop frontages, intentional damage or graffiti, broken bottles, assaults confrontations and anti-social or ‘threatening’ behaviour of people gathering and drinking in the streets and adjoining places e.g. carparks. Respondents felt that the bans were valuable especially in allowing the police to carry out ‘low level policing’ of the bars which prevented more serious offending. The residents’ associations especially considered that the bans are valuable for community safety and security purposes.

30. In May 2011, 40 per cent of those businesses surveyed in Papanui said that problems had significantly worsened after the earthquake while approximately 50 percent of the Merivale businesses experienced increased problems. Of those consulted, who were affected by alcohol related damage disorder and crime, most considered that the introduction of the Alcohol Bans had brought real improvement to the situation, although they still experienced more problems than before the February 2011 earthquake.

31. If the Council decides to seek amendments to the Bylaw, a SCP will be undertaken in accordance with the Act. Any member of the public can make a submission and would have the opportunity to be heard before a hearing panel. Stakeholders such as residents’ associations, Police, and Community Boards will be notified directly of the proposal.

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**STAFF RECOMMENDATION**

32. It is recommended that the Council, in relation to the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012:
- (a) Determine that there is sufficient evidence to support the proposal for permanent alcohol bans in the Papanui and Merivale areas and for commencing a special consultative procedure (as outlined below).
  - (b) Resolve that the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012 meets the requirements of section 155 of the Local Government Act 2002, in that:
    - (i) the Council determines an amendment bylaw is the most appropriate way of addressing the perceived problem; and
    - (ii) the Council determines the proposed amendment bylaw is the most appropriate form of bylaw; and
    - (iii) the Council determines the proposed amendment bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990 but that the proposed amendment bylaw is not inconsistent with that Act.
  - (c) Resolve that the Statement of Proposal including the proposed Bylaw [Attachment 2] and Summary of Information [Attachment 3] be adopted for consultation.
  - (d) Resolve that public notice of the consultation be given in The Press and Christchurch Star newspapers and on the Council's website at the start of the consultation period, and that public notice of the proposal be given in community newspapers distributed in the Christchurch district area, as close as possible to the start of the consultation period.
  - (e) Resolve that the consultation documents be made available for public inspection at Council Service Centres, Council Libraries and on the Council's website during the consultation period.
  - (f) Resolve that the consultation period be from Friday 4 May 2012 to Wednesday 6 June 2012.
  - (g) Resolve that a hearings panel be appointed to hear submissions, deliberate on those submissions and to report back to the Council on the final form of the Bylaw in August 2012.

**BACKGROUND**

33. Following the 22 February 2011 earthquake the Police approached Council seeking, as preventative measures, the introduction of new permanent alcohol bans for Merivale and for an area of Papanui not covered by the permanent ban for Northland Mall and its surrounds. Staff investigations into the need for alcohol bans, concluded that there was a lack of evidence of significant alcohol-related issues, but that the situation should be monitored on an ongoing basis. By August 2011, up-dated police data and other (anecdotal) evidence showed increasing levels of alcohol related disorder in Papanui and Merivale and Council decided to introduce temporary alcohol bans for 6 months from 8 September 2011 until 8 March 2012.
34. During December 2011 and January 2012 staff reviewed the data and undertook community consultation as to the effectiveness of the temporary bans in addressing alcohol related problems. On 23 February 2012 Council resolved to:
- (a) *Direct staff to undertake a section 155 Local Government Act 2002 analysis of possible amendments to the Bylaw with respect to declaring new Permanent Alcohol Ban Areas for Merivale and Papanui, and report back by April 2012.*

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- (b) *Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, declares Temporary Alcohol Ban Areas for Merivale and Papanui; being the areas shown on the attached maps (Attachments 1 & 2), to apply from 9 March 2012; Wednesday Thursday, Friday and Saturday nights from 6.00pm to 6.00am.*
- (c) *Resolve that the temporary bans (provided for in (b) above) shall expire either on the 9th September 2012 or if and when Council resolves that a permanent ban for that area will not be imposed.*

35. As discussed above, a section 155 analysis [**Attachment 1**] has now been undertaken with respect to Merivale and Papanui Each area is discussed in turn.

**Merivale**

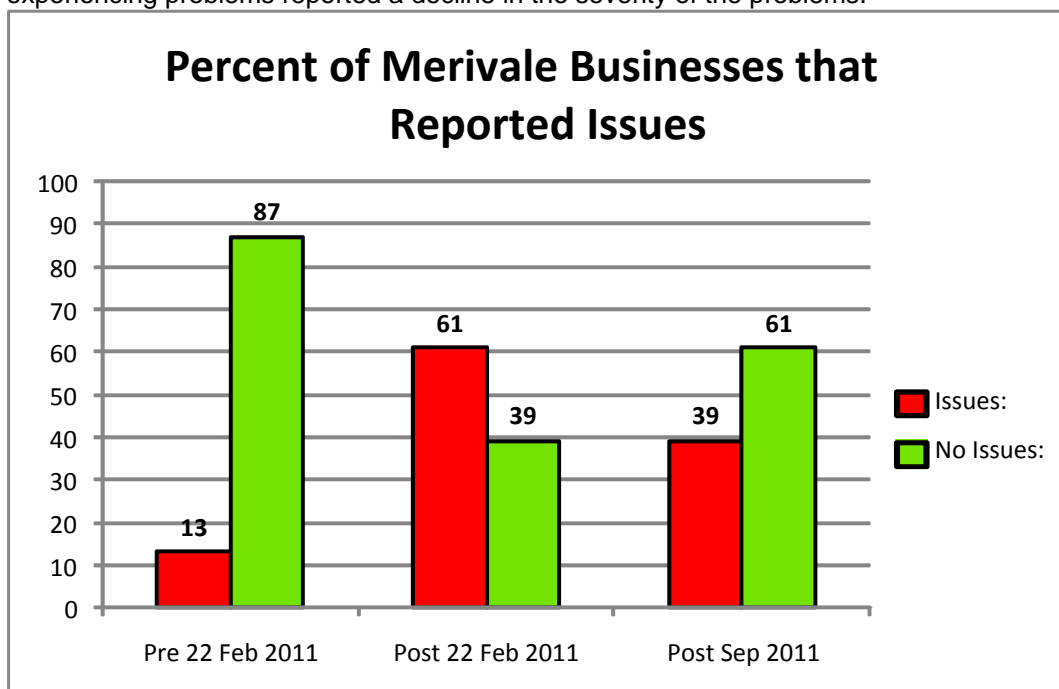
- 36. The current temporary liquor ban area runs from Papanui Road/St Albans Road intersection to Browns Road to Innes Road, back across Papanui Road to Heaton Street, down to Rossall Street, back up Rugby Street onto Papanui Road then back to the Papanui/St Albans Road intersection. (See bylaw map, schedule 1 to this report.) The ban applies for Wednesday to Saturday nights 6pm-6am as specified in the resolution quoted above.
- 37. The provisional police statistics show a significant increase in recorded incidents of alcohol related crime for Merivale in 2011 in comparison with 2010 and 2009 while the total for the first three months of 2012 is a return to a more 'normal' level of offending. (See Table below). While it is difficult to quantify the effect of the temporary alcohol ban from the police statistics, the survey of business operators and other community consultation suggest that the temporary alcohol bans have had significant positive effects.

**Total Recorded Violence, Disorder and A-Series (Alcohol related offending). Data covers the full calendar years 2009 - 2011, and from January to March 2012.**

		2009	2010	2011	2012
<b>MERIVALE</b>	Jan	6	6	1	6
	Feb	1	6	9	4
	Mar	9	3	6	6
	Apr	4	4	4	
	May	6	4	11	
	Jun	4	1	18	
	Jul	6	1	11	
	Aug	8	10	3	
	Sep	4	4	9	
	Oct		6	12	
	Nov	10	10	6	
	Dec	14	3	11	
<b>MERIVALE</b>		<b>72</b>	<b>58</b>	<b>101</b>	<b>16</b>

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38. Consultation with the Police, Fendalton-Waimairi Community Board, and Merivale Precinct Society was undertaken as part of the review of the temporary ban and the Board was briefed in February on the staff review of the ban. Community Board and Society members expressed support for a more permanent alcohol ban as a useful and necessary measure in the current circumstances but also want a review of the ban should the patronage and drinking 'culture' in Merivale revert to that applying prior to the February 2011 earthquake. The Police maintain their view previously expressed, [Attachment 5] that the ban has been very effective, preventing people in public places 'pre-loading' before entering Merivale licensed premises, and allowing officers 'to move intoxicated people on' before they become involved in more significant incidents such as scuffles or fights. Most of the police work has been educational – the issuing of warning notices.
39. As well as a consideration of police data, the Council undertook, in January 2012, a survey of Merivale business operators to obtain their views on the effectiveness of the temporary alcohol ban. Prior to the February 2011 earthquake, (only) 3 out of 23 surveyed businesses in Merivale reported alcohol-related 'issues' while by May 2011 following the influx of patrons displaced from the Central City, 14 of 23 businesses surveyed reported alcohol-related 'issues' including; people urinating or vomiting in shop frontages, intentional damage or graffiti, broken bottles outside premises and more serious alcohol related offending - threatening behaviours, confrontations and fights. The January 2012 survey revealed that business operators considered that the temporary bans had been effective in reducing alcohol related problems; fewer businesses reporting alcohol related issues (see the table below) and those that were still experiencing problems reported a decline in the severity of the problems.



**Papanui**

40. The temporary alcohol ban area for Papanui applies Wednesday- Saturday nights 6pm to 6am for the area shown on the bylaw map, schedule 1 to this report. The temporary ban extends the hours and area covered by the permanent ban for the 'Northlands Mall and surrounds'. As stated above, any change or addition to the permanent ban in Papanui must be through an amendment to the Bylaw, requiring consultation under the SCP.
41. Police representatives report that the temporary alcohol ban has been effective in addressing alcohol-related problem behaviours, particularly those associated with patrons 'preloading' before entering licensed premises in Papanui and in preventing unsafe and problem drinking in Papanui. They noted that the ability to prevent the drinking of alcohol on the walkway beside the railway lines as a particular benefit of the wider Papanui ban.

**COUNCIL 26. 4. 2012**

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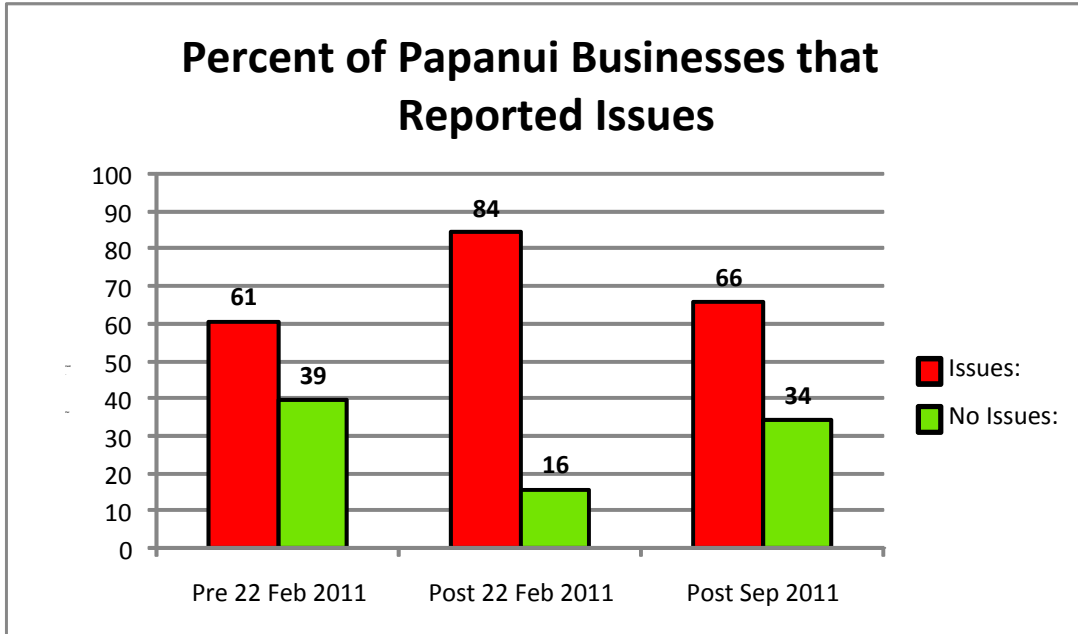
42. The president of the St James Avenue Residents Association confirmed that, following the influx of drinkers to Papanui, its members have observed a dramatic increase in the sort of alcohol related behaviours which the ban is designed to address e.g. drinking in public, broken bottles on the road, the stashing of liquor (behind street trees and in the adjoining park and properties) for 'pre and post- loading' by patrons, together with more serious alcohol related crimes such as destruction of property, intimidation and violence. Some Association members consider that the ban should be extended to apply 24 hours a day in St James Park, publicised widely and more consistently enforced.
43. The provisional police statistics show a significant increase in recorded incidents of alcohol related crime for Papanui in 2011 in comparison with 2010 and 2009 and the level of offending for the first three months of 2012 continues to be high in comparison with previous years. (See Table below). In these circumstances, it is difficult to quantify the effects of the temporary alcohol ban from the police statistics, however, as with Merivale, the survey of business operators and the results of other community consultation suggest that the temporary alcohol bans has had a positive impact.

**Total Recorded Violence, Disorder and A-Series (Alcohol related offending). Data covers the full calendar years 2009 - 2011, and from January to March 2012.**

		<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>PAPANUI</b>	<b>Jan</b>	<b>17</b>	<b>5</b>	<b>18</b>	<b>23</b>
	<b>Feb</b>	<b>13</b>	<b>18</b>	<b>16</b>	<b>23</b>
	<b>Mar</b>	<b>16</b>	<b>23</b>	<b>16</b>	<b>16</b>
	<b>Apr</b>	<b>13</b>	<b>13</b>	<b>30</b>	
	<b>May</b>	<b>19</b>	<b>12</b>	<b>21</b>	
	<b>Jun</b>	<b>14</b>	<b>8</b>	<b>33</b>	
	<b>Jul</b>	<b>18</b>	<b>16</b>	<b>28</b>	
	<b>Aug</b>	<b>29</b>	<b>24</b>	<b>23</b>	
	<b>Sep</b>	<b>16</b>	<b>19</b>	<b>19</b>	
	<b>Oct</b>	<b>23</b>	<b>17</b>	<b>17</b>	
	<b>Nov</b>	<b>7</b>	<b>20</b>	<b>16</b>	
	<b>Dec</b>	<b>13</b>	<b>16</b>	<b>24</b>	
<b>PAPANUI</b>		<b>198</b>	<b>191</b>	<b>261</b>	<b>63</b>

44. In May 2011, the Police undertook a survey of business owners in the Papanui area to determine what issues had arisen since the 22 February earthquake. Council undertook a survey of these same businesses in January 2012 to see if the ban had made a positive difference.





46. While the number of respondents surveyed is relatively small (42), on the basis of the survey (see results above) the temporary ban appears to have made a measurable positive difference in the number of businesses experiencing alcohol related problems. The problems recorded through the survey are; urinating or vomiting in shop fronts; intentional damage or graffiti; broken bottles; assaults or confrontations; thefts and “other”. The qualitative data (comments from respondents) was also positive in respect to the alcohol ban with the ban perceived to be generally quite effective in public places. Staff reviewing the comments and responses consider that an effective collective response is required by businesses to deal with anti-social activities in private spaces not subject to the ban e.g. shop car-parks.

**THE OBJECTIVES**

47. The purpose of the proposed Amendment to the Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places within the Christchurch City Council district.

**THE OPTIONS**

48. There are three options:

Option 1 – ‘Status quo’. With this option, there would be no new permanent alcohol ban area for Merivale, no change to existing alcohol ban area for Papanui (Northlands Mall and it surrounds) and the temporary alcohol bans would lapse immediately as soon as Council decided not to proceed with permanent bans (Council resolution of 23 February 2012). This option is not preferred because the situation is considered likely to revert to that applying prior to the introduction of the ban with relatively high and increasing levels of alcohol-related harm, damage disorder and crime in Merivale and Papanui.

Option 2 - Resolve to extend the temporary alcohol bans for a further period. This option is not supported as further extensions to the current temporary bans are not considered appropriate in terms of the legal advice (see above). Section 156 of the Act requires the Council to use an SCP when amending a bylaw and a decision to (further) extend the temporary bans by way of Council resolution may as regarded as contrary to the Act. Moreover the submissions and hearing process of the SCP allows a proposed bylaw to be tested as to its effectiveness and as to its ‘reasonableness’ in restricting individual rights. A decision to extend the temporary bans would deprive the community of the opportunity to challenge the bylaw or to seek improvements to its provisions (area/times etc.) through the SCP.

Option 3 - Amend the Bylaw by creating a new permanent ban area for Merivale and extending the area and periods (days/times for the ban applying to the Northlands Mall and its surrounds) to create the new Papanui permanent ban area. This will require a revocation of the existing "Northland Mall Surrounds Alcohol Ban Area". The results of community and police consultation and the survey of businesses in Merivale and Papanui all support making the temporary bans 'permanent'.

**THE PREFERRED OPTION**

49. The preferred option is Option 3 which is generally supported by the evidence provided by police statistics and by the results of surveys of business opinion. This option would enable the temporary alcohol bans in Merivale and Papanui to become permanent. The Police advise that alcohol bans are one of the most successful tools in reducing violence and disorder. While it is not clear that there is a direct causal link between a ban on drinking in public places and a reduction in alcohol-related crime, certainly there appears to be considerable police and community support for the current temporary bans to be made permanent

**The Preferred Option**

50. Option 3 – creation of new permanent Alcohol Ban areas for Merivale and Papanui.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	<ul style="list-style-type: none"> <li>• potential to reduce alcohol-related harm</li> <li>• contributes to a safer city</li> </ul>	<ul style="list-style-type: none"> <li>• restricts freedoms</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>• improve negative drinking culture</li> <li>• reduce the culture of fear/negative perceptions of safety</li> </ul>	<ul style="list-style-type: none"> <li>• not applicable</li> </ul>
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• potential to reduce the amount of glass bottles, broken glass and litter on our streets and in our parks</li> </ul>	<ul style="list-style-type: none"> <li>• signage – amenity costs</li> </ul>
<b>Economic</b>	Potential to: <ul style="list-style-type: none"> <li>• increase perceptions of safety and to increase business activity</li> <li>• reduce damage, vandalism, etc.</li> <li>• positively impact on tourism</li> </ul>	<ul style="list-style-type: none"> <li>• may impact on off-licence sales within alcohol ban area</li> </ul>

**Extent to which community outcomes are achieved:**

A Safe City: We live free from crime, violence, abuse and injury. Rates of crime and injury decline.

A Prosperous City: We have a strong economy that is based on a range of successful and innovative businesses. Christchurch has a strong, healthy economy.

A Healthy City: We live long, healthy and happy lives. Our city environment supports the health of the community.

An Attractive and Well Designed City: Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Christchurch is attractive and well maintained.

Option 3 would contribute to these four community outcomes. The proposed permanent alcohol ban areas may contribute to perceptions of safety and have the potential to reduce alcohol-related harm. While permanent alcohol bans are not a complete solution to alcohol-related issues, they are part of a wider, multi-faceted approach to managing or reducing alcohol-related harm.

**Impact on the Council's capacity and responsibilities:**

The Act gives the Police special enforcement powers for bylaws made for "liquor control purposes". Enforcement for this bylaw is a matter for the Police, rather than the Council.

There will be some costs to Council in relation to publicising the alcohol ban area on an ongoing basis and ensuring adequate signage is in place.

**Effects on Maori:**

Similar to other ethnic groups.

**Consistency with existing Council policies:**

This option is consistent with the *Safer Christchurch Strategy*.

**Views and preferences of persons affected or likely to have an interest:**

The Act gives the Police special enforcement powers for bylaws made for "liquor control purposes", so a consultative approach has been taken with the Police in the development of the draft bylaw. Additionally, the need for alcohol ban areas or the evaluation of current areas largely relies on evidence provided by the Police, such as crime statistics or enforcement statistics relating to the current liquor ban areas. The Community Boards, and residents associations support this option as do businesses in these areas. The views and preferences of the general public can be ascertained through the special consultative procedure on this proposal.

**Maintain the Status Quo (if not preferred option)**

85. Option 1- status quo. No new permanent alcohol ban areas and no changes in existing areas. The temporary bans will lapse immediately.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	<ul style="list-style-type: none"> <li>• No restriction on freedoms</li> </ul>	<ul style="list-style-type: none"> <li>• Potential to increase level of alcohol-related harm.</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Potential to increase negative drinking culture</li> </ul>
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Potential to increase the amount of glass bottles, broken glass and litter on our streets and in our parks</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>• Potential to increase off-licence sales</li> </ul>	Potential to: <ul style="list-style-type: none"> <li>• Maintain /increase current culture of fear/negative perceptions of safety leading to decrease in business activity</li> <li>• increase damage, vandalism, etc.</li> <li>• impact on tourism</li> </ul>
<p><b>Extent to which community outcomes are achieved:</b>                      If the ban areas are not updated to reflect the current situation for Merivale and Papanui, community outcomes will have less chance of being achieved (a Safe City, a Prosperous City, a Health City).</p> <p><b>Impact on the Council's capacity and responsibilities:</b>                      No change to Council responsibilities compared to option 3 – the preferred option as enforcement for a bylaw is a matter for the Police, rather than the Council.</p> <p>Compared with the preferred option there will be a saving in costs to Council in relation to publicising the alcohol ban area on an ongoing basis and ensuring adequate signage is in place.</p> <p><b>Effects on Maori:</b>                      As for other cultural groups.</p> <p><b>Consistency with existing Council policies:</b>                      Assessed as less likely to achieve community outcomes - as above.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>                      The Police have indicated that the current permanent alcohol ban areas in the Bylaw are not adequate to address current issues in Merivale and Papanui. The views of the Community Boards and residents associations do not support the status quo option.</p> <p><b>As amendments to the Bylaw are the subject of a special consultative procedure the views of the public would be ascertained as part of that process, where that process occurs. For the status quo option, a special consultative procedure would not be required.</b></p>		

16 Cont'd

Other Option

86. Option 2 – Extend the current temporary bans.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	<ul style="list-style-type: none"> <li>• potential to reduce alcohol-related harm</li> <li>• contributes to a safer city</li> </ul>	<ul style="list-style-type: none"> <li>• restricts freedom to drink in public places</li> <li>• Deprives community of right to challenge or amend the alcohol bans</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>• improve negative drinking culture</li> <li>• reduce the culture of fear/negative perceptions of safety</li> </ul>	<ul style="list-style-type: none"> <li>• not applicable</li> </ul>
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• potential to reduce the amount of glass bottles, broken glass and litter on our streets and in our parks</li> </ul>	<ul style="list-style-type: none"> <li>• signage – amenity costs</li> </ul>
<b>Economic</b>	Potential to: <ul style="list-style-type: none"> <li>• increase perceptions of safety and to increase business activity</li> <li>• reduce damage, vandalism, etc.</li> <li>• positively impact on tourism</li> </ul>	<ul style="list-style-type: none"> <li>• may impact on off-licence sales within alcohol ban area</li> </ul>

**Impact on the Council's capacity and responsibilities:**

There is legal risk in extending the current temporary bans because further extensions could be considered to effectively create permanent bans without going through the SCP required by the Act. Failure to carry out the statutory requirements for amendments to the 2009 Bylaw would deprive members of the community of their statutory rights to be consulted on bylaw amendments and potentially make the 'temporary bans' subject to successful legal challenge.

**Extent to which community outcomes are not achieved:**

A Well Governed City: Our people participate in decision making and enjoy the rights and responsibilities of living in a democracy.  
The identified priorities under the 'Well Governed City' community outcome include "improve consultation and participation" and for Council to "consider community views at each stage of decision making" under the Local Government Act 2002. This option would not be consistent with this outcome or the identified priority action.

**Extent to which community outcomes are achieved:**

As for preferred option 3.  
A Safe City: We live free from crime, violence, abuse and injury. Rates of crime and injury decline.  
A Prosperous City: We have a strong economy that is based on a range of successful and innovative businesses. Christchurch has a strong, healthy economy.  
A Healthy City: We live long, healthy and happy lives. Our city environment supports the health of the community.  
An Attractive and Well Designed City: Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Christchurch is attractive and well maintained.

**Impact on the Council's capacity and responsibilities:**

The Act gives the Police special enforcement powers for bylaws made for "liquor control purposes". Enforcement for this bylaw is a matter for the Police, rather than the Council.  
There will be some costs to Council in relation to publicising the temporary alcohol ban areas on an ongoing basis and ensuring adequate signage is in place.

**Effects on Maori:**

Similar to other ethnic groups.

**Consistency with existing Council policies:**

As above.

**Views and preferences of persons affected or likely to have an interest:**

There is police and community support for continuation of the alcohol bans for Merivale and Papanui.

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Schedule 1 – Draft Amendment Bylaw

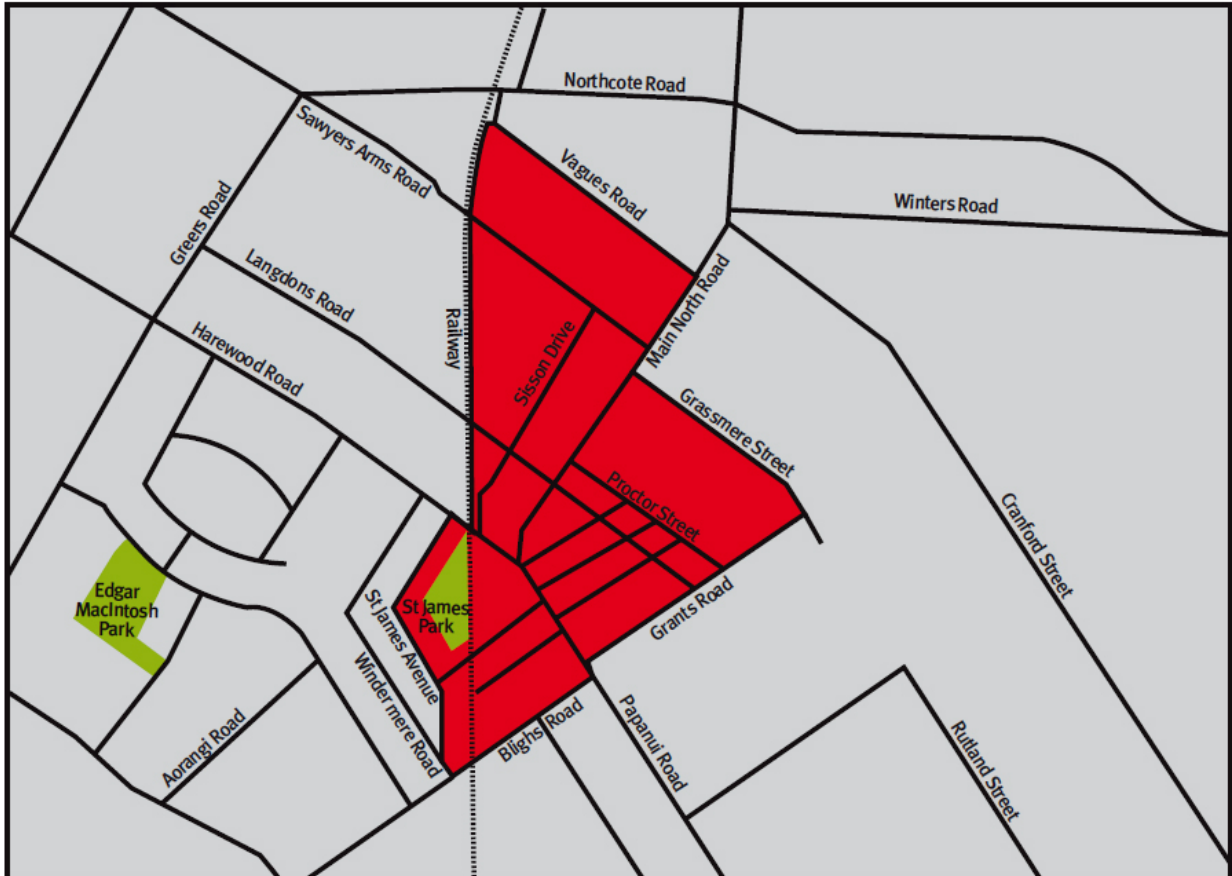
<b>Name of Alcohol Ban Area</b>	Merivale
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all of, or the relevant parts of the area is bounded by Rossall Street, Rugby Street, St Albans Street, Browns Road and Innes Road/Heaton Street, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights, from 6.00pm to 6.00am.



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<b>Name of Alcohol Ban Area</b>	Papanui
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all, or the relevant parts of, the railway line and Vagues Road to Harewood Road, St James Avenue, Windermere Road, Blighs Road, Papanui Road, Grants Road, Grassmere Street, Main North Road as well as all of St James Park, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights, from 6.00pm to 6.00am.



## Proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012

### Section 155 analysis

In determining the matters under section 155 of the Local Government Act 2002, analysis has been undertaken on each new area in which the bylaw might apply.

It is to be noted that in 2008, the Council undertook a detailed section 155 analysis of the high level issues relating to whether or not the Council should make the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009. It is not appropriate to re-litigate those high level issues again, given that the Council subsequently undertook the special consultative procedure and made the 2009 Bylaw.

The section 155 analysis for the proposed Amendment Bylaw is carried out by answering the following questions for the proposed Permanent Alcohol Ban Areas:

1. What is the perceived problem in the "Area"?
  - (a) Define the problem
  - (b) Define the Area
  - (c) What are the related crime statistics for the Area?
  - (d) Is there any other relevant information including the results of consultation?
  - (e) Summary of problem
2. Is adding this Area to the Schedule of Permanent Alcohol Areas the most appropriate way of addressing the problem?
3. Is the description of the Area and the times, days, or dates, during which the alcohol restrictions apply the most appropriate form?
4. Are there any New Zealand Bill of Rights Act 1990 implications?
5. Conclusion.

#### **Merivale**

##### **1. *What is the perceived problem in the "Area"?***

###### **(a) *Define the problem***

There is currently a Temporary Alcohol Ban Area in place for Merivale but it is not subject to a Permanent Alcohol Ban. The Temporary Alcohol Ban Area came into force on 8 September 2011 and is due to expire on 9 September 2012. It applies 6pm to 6am on Wednesday, Thursday, Friday and Saturday nights.

The Police asked for an Alcohol Ban Area to be imposed for Merivale after the February 22 earthquake. Police have identified a very clear trend where patronage of bars in the central city has shifted to Riccarton, Merivale, Papanui and the outer suburbs. The Police have indicated that going hand and hand with that has been a corresponding shift in violence and disorder.

The Police advised that suburban areas, in particular Riccarton, Merivale and Papanui experienced a considerable increase in disorder, so much so that Christchurch City patrols were in 2011 spending 50% to 60% of their time in these suburban areas every Thursday, Friday and Saturday night, dealing with drunken youths, out of control parties, intoxicated persons, fights and associated disorder.

Problems identified included:

- groups of drunk people partying on the streets, other public places and in the Merivale Mall carpark
- a wide range of damage and disorderly behaviour;



- broken glass and other litter on the streets and footpaths, and in neighbourhood parks;
- noise both from parties and people walking by late at night;
- local residents, and some patrons of Merivale venues, feeling scared and intimidated as a result the issues described above.

The Police have also advised that experience has shown that Alcohol Bans are one of the most successful tools in reducing violence and disorder. An example is the CBD liquor ban, which for the three years 2008, 2009 and 2010 was associated with reductions of 6% in serious violence and 6% in minor assaults each year. The direct causal link between the drop in crime and the ban of drinking in public places is not entirely clear and the increase of Police presence in the CBD and the introduction of Safe City Officers may have contributed significantly to the reductions noted. However, excess alcohol is the problem and liquor bans appear to be instrumental in reducing the amount and impact of excessive alcohol.

**(b) Define the Area**

The proposed new Merivale Area covers the same area that is subject to the Merivale Temporary Alcohol Ban. This is the area bounded by the following streets: from Papanui Road/St Albans Road intersection to Browns Road to Innes Road, back across Papanui Road to Heaton Street, down to Rossall Street, back up Rugby Street onto Papanui Road then back to the Papanui/St Albans Road intersection.

**(c) What are the related crime statistics for the Area?**

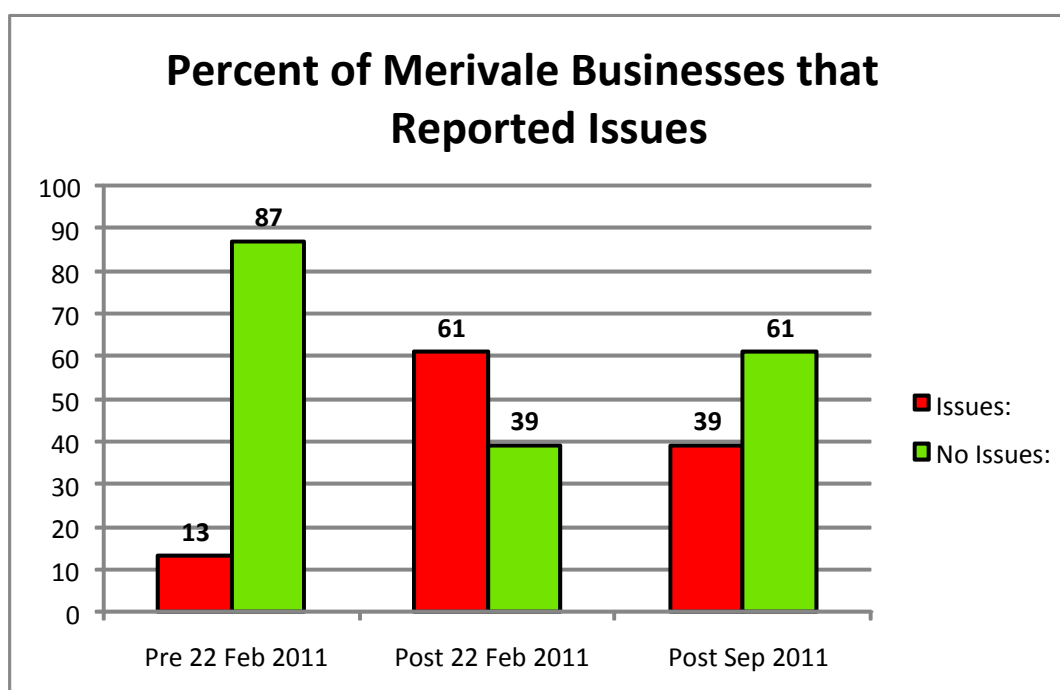
The Police have provided the following figures for the Merivale Area. Note this is provisional data only. It should be noted that at time of preparation of this analysis, statistics were not available as to the number of arrests made under the 2009 Bylaw for breaches of the Temporary Alcohol Ban Area for Merivale.

Provisional Police Statistics: Alcohol Related Offending -Merivale

		2009	2010	2011	2012
<b>MERIVALE</b>	Jan	6	6	1	6
	Feb	1	6	9	4
	Mar	9	3	6	6
	Apr	4	4	4	
	May	6	4	11	
	Jun	4	1	18	
	Jul	6	1	11	
	Aug	8	10	3	
	Sep	4	4	9	
	Oct		6	12	
	Nov	10	10	6	
	Dec	14	3	11	

**(d) Is there any other relevant information?**

Staff have consulted representatives of the Police, the Fendalton-Waimairi Community Board and the Merivale Precinct Society; these organisations supported the introduction of the temporary ban and are in favour of its continuation. The Council also undertook a survey of business operators to obtain information about as to their views. Prior to the February 2011 earthquake, (only) 3 out of 23 surveyed businesses in Merivale reported alcohol-related 'issues' while by May 2011 following the influx of patrons displaced from the Central City, 14 of 23 businesses surveyed reported alcohol-related 'issues' – these included people urinating or vomiting in shop frontages, intentional damage or graffiti, broken bottles outside premises and more serious alcohol related offending - threatening behaviours, confrontations and fights. The January 2012 survey showed that business operators considered that the temporary bans had been effective in reducing these alcohol related problems; fewer businesses reporting alcohol related issues (see the table below) and most of those that were still experiencing problems reported a decline in the level and severity of the problems experienced.



**(e) Summary of problem**

Since the February 2011 earthquake, Merivale has become one of the entertainment areas in the city. While the central city remains closed, it appears that this area will continue to be very popular. With more people present, the potential for increased crime and disorder associated with alcohol consumption also increases and Merivale experienced a significant increase in alcohol related disorder in 2011 in comparison with 2009 and 2010.

In these current circumstances the introduction of a permanent Alcohol Ban for Merivale would appear to be an appropriate response especially as the temporary ban introduced in September 2011 appears to have had a mitigating effect on the levels of alcohol-related disorder.

## Papanui

### 1. *What is the perceived problem in the Area?*

#### (a) *Define the problem*

There is an existing permanent alcohol ban for the Northlands Mall and its immediate surrounds which applies Thursday, Friday and Saturday nights, from 9.00pm to 6.00am for the area bounded by Main North Road, Sawyers Arms Road, Sisson Drive, Restell Street and Harewood Road, and St James Park. However this existing "Northlands Mall Surrounds" ban does not appear to be adequate in the current situation. Following the February 2011 earthquake; Papanui has experienced a dramatic increase in the patronage of licensed premises and a corresponding increase in violence and disorder not only within the immediate surrounds of the Northlands Mall but in the wider environs.

Representatives of the police, and community identified the following problems:

- Unsafe behaviours of people drinking (or drunk) on the streets and in other public places including alongside the railway lines;
- patrons stashing their alcohol behind street trees and in private property for consumption before and after visiting licensed premises;
- a wide range of damage and disorderly behaviour;
- broken glass and other litter on the streets and footpaths, and in St James Park;
- noise both from parties and people walking by late at night;
- local residents, and some visitors to the area feeling scared and intimidated as a result of the issues described above.

The Council introduced a Temporary Alcohol Ban Area for a wider area of Papanui which came into force on 8 September 2011 and is due to expire on 9 September 2012. It applies 6pm to 6am on Wednesday, Thursday, Friday and Saturday nights.

#### (b) *Define the Area*

The proposed new Papanui Area (which incorporates the area of the current Permanent Alcohol Ban Area for "Northlands Mall Surrounds" ) is bounded by St James Avenue, Blighs and Grants Roads, Grassmere Street, Main North and Vagues Roads and the railway line.

#### (c) *What are the related crime statistics for the Area?*

The provisional police statistics show a significant increase in recorded incidents of alcohol related crime for Papanui in 2011 in comparison with 2010 and 2009 and the level of offending for the first three months of 2012 continues to be high in comparison with previous years. (See Table below).

		2009	2010	2011	2012
<b>PAPANUI</b>	<b>Jan</b>	<b>17</b>	<b>5</b>	<b>18</b>	<b>23</b>
	<b>Feb</b>	<b>13</b>	<b>18</b>	<b>16</b>	<b>23</b>
	<b>Mar</b>	<b>16</b>	<b>23</b>	<b>16</b>	<b>16</b>
	<b>Apr</b>	<b>13</b>	<b>13</b>	<b>30</b>	
	<b>May</b>	<b>19</b>	<b>12</b>	<b>21</b>	
	<b>Jun</b>	<b>14</b>	<b>8</b>	<b>33</b>	
	<b>Jul</b>	<b>18</b>	<b>16</b>	<b>28</b>	
	<b>Aug</b>	<b>29</b>	<b>24</b>	<b>23</b>	
	<b>Sep</b>	<b>16</b>	<b>19</b>	<b>19</b>	
	<b>Oct</b>	<b>23</b>	<b>17</b>	<b>17</b>	
	<b>Nov</b>	<b>7</b>	<b>20</b>	<b>16</b>	
	<b>Dec</b>	<b>13</b>	<b>16</b>	<b>24</b>	
<b>PAPANUI</b>		<b>198</b>	<b>191</b>	<b>261</b>	<b>63</b>

**(d) *Is there any other relevant information?***

In May 2011, the Police undertook a survey of business owners in the Papanui area to determine what issues had arisen since the 22 February earthquake. The Council undertook a survey of these same businesses in late January 2012 to obtain further information as to the nature of the problem and the views of business operators as to the effectiveness of the temporary alcohol ban. In contrast to the police statistics, business operators considered that the temporary bans had been effective in reducing alcohol related problems; fewer businesses reporting alcohol related issues and of those that were still experiencing problems most reported a decline in the level and severity of the problems experienced, compared to the period prior to the introduction of the temporary ban. This positive view of the effectiveness of the ban may reflect a decline in 'low level' behaviours and offences which are generally not reported to Police and therefore not included in police statistics.

In addition to the survey of business operators, preliminary consultation was undertaken with representatives of the Police, the Shirley – Papanui Community Board and the St James Residents Association. All those contacted expressed positive views about the temporary ban and supported the creation of a permanent ban for Papanui. Police representatives report that the temporary alcohol ban has been effective in addressing alcohol-related problem behaviours, particularly those associated with patrons 'preloading' before entering licensed premises in Papanui and in preventing unsafe and problem drinking in Papanui; they noted that the ability to prevent the drinking of alcohol on the walkway beside the railway lines as a particular benefit of the wider Papanui ban.

The president of the St James Avenue Residents Association confirmed that, following the influx of drinkers to Papanui, its members observed a dramatic increase in the sort of alcohol related behaviours which the ban is designed to address, e.g. drinking in public, broken bottles on the road, the stashing of liquor (behind street trees and in the adjoining park and properties) for 'pre and post- loading' by patrons, together with more serious alcohol related crimes such as destruction of property, intimidation and violence. While the Association supports the extended ban being made permanent, some members consider that the ban should be extended to apply 24 hours a day in St James Park, publicised more widely and more consistently enforced.

**(e) *Summary of problem***

Since the February 2011 earthquake, Papanui has become one of the entertainment areas in the city and there is clear evidence of a problem with people drinking in public places, outside the hours and beyond the area covered by the existing permanent alcohol ban. While the central city remains closed, it appears that Papanui will continue to be very popular. With more people present, the potential for increased crime and disorder associated with alcohol consumption also increases and Papanui experienced a significant increase in alcohol related disorder in from April 2011 in comparison with the previous 3 years.

In these current circumstances the introduction of a permanent Alcohol Ban for Papanui having a wider area and applying for more days/hours than the existing Northlands Mall Surrounds ban would appear to be an appropriate response especially as the temporary ban introduced in September 2011 appears to have considerable support from the affected business and residential community

**2. *Is adding these Areas to the Schedule of Permanent Alcohol Ban Areas the most appropriate way of addressing the problem?***

It is considered that adding the Merivale Area and Papanui Area to the Schedule of Permanent Alcohol Ban Areas is the most appropriate way of addressing the problem with alcohol related issues in public places.

In looking at this question, the Council has considered whether there are any other tools for addressing alcohol related problems. Other tools may include:

- increased compliance monitoring or enforcement under the Sale of Liquor Act 1989 (eg in relation to intoxication, under-age purchases or 'bar-hopping' with drinks);
- using section 38(3) of the Summary Offences Act 1981 to combat under-age drinking in public places. This allows the Police to issue an infringement notice (instant fine) to those under the age of 18 who possess or consume alcohol in a public place;
- using Crime Prevention Through Environmental Design (eg crime cameras and lighting):
- more recycling bins for glass bottles or more rubbish bins.

While there is other legislation available to Police to deal with disorder and some alcohol-related offending, alcohol bans provide an opportunity to remove potential offenders and/or victims from a location before incidents escalate. In this sense, alcohol bans can be employed as an effective crime prevention tool.

In this case, it is considered that adding the Merivale Area and Papanui Area to the Schedule of Permanent Alcohol Ban Areas will provide an effective early intervention tool to manage the potential downstream effects of alcohol consumption in public places.

**3 *Is the description of the Areas and the times, days, or dates, during which the alcohol restrictions apply the most appropriate form?***

Yes. It is acknowledged that the areas cover more than just those public places that are hotspots (for example where licensed premises are situated). However, the Police note that a wider area with clear boundaries is appropriate because it is easier to enforce and it enables greater control over the entry of persons and vehicles into the area where consumption of alcohol in a public place may occur.

The Permanent Alcohol Ban Areas will apply for Wednesday, Thursday, Friday and Saturday nights from 6 pm to 6am. This is the same as the temporary Alcohol Bans and is in line with advice from the Police.

This Permanent Alcohol Ban Area will replace the current smaller Permanent Alcohol Ban Area that covers Northlands Mall Surrounds. The Northlands Mall Surrounds Alcohol Ban Area currently applies on Thursday, Friday and Saturday nights from 9pm to 6am. This proposed Papanui Alcohol Ban Area will cover a wider area and will apply on Wednesday nights, as well as apply for longer periods on each of Wednesday, Thursday, Friday and Saturday.

**4. *Are there any New Zealand Bill of Rights Act 1990 implications?***

By adding the Merivale and Papanui Permanent Alcohol Ban Areas, it gives rise to some implications in relation to the New Zealand Bill of Rights Act 1990, in particular, the right to freedom of movement (section 18), and possibly freedom from discrimination (section 19). The right to freedom from unreasonable search and seizure (section 21) may be regarded as affected, but although a bylaw may increase the possibility that unreasonable search and seizure could take place, this is a matter within the control of the Police, and the bylaw itself is not necessarily inconsistent with that right.

Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand. The laws of New Zealand do not make it illegal to consume or possess alcohol in public places (except for those under 18), so a restriction on where people can go and consume or possess alcohol, in public places, will be a partial restriction on freedom of movement. However, a bylaw that does not prohibit this activity completely in every public place, and provides a rationale for why there is a ban in certain places will be a demonstrably justified limit in a free and democratic society.

It is considered that this proposed Amendment provides demonstrably justifiable limits in a free and democratic society, and is therefore consistent with the New Zealand Bill of Rights Act 1990.

## 5. Conclusion

That the following areas should be added to the Schedule of Permanent Alcohol Ban Areas in the 2009 Bylaw:

<b>Name of Alcohol Ban Area</b>	Merivale
<b>Description of Alcohol Ban Area</b>	The area bounded by the following streets:  From Papanui Road/St Albans Road intersection to Browns Road to Innes Road, back across Papanui Road to Heaton Street, down to Rossall Street, back up Rugby Street onto Papanui Road then back to the Papanui/St Albans Road intersection.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights from 6 pm to 6am.

<b>Name of Alcohol Ban Area</b>	Papanui
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all, or the relevant parts of, the railway line and Vagues Road to Harewood Road, St James Avenue, Windermere Road, Blighs Road, Papanui Road, Grants Road, Grassmere Street, Main North Road as well as all of St James Park, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights, from 6.00pm to 6.00am.

That the following area be **deleted** from the Schedule of permanent Alcohol Ban Areas in the 2009 Bylaw:

<b>Name of Alcohol Ban Area</b>	Northland Mall Surrounds
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all of, or the relevant parts of, Main North Road, Sawyers Arms Road, Sisson Drive, Restell Street and Harewood Road, as well as all of St James Park, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Thursday, Friday and Saturday nights, from 9.00pm to 6.00am..

**STATEMENT OF PROPOSAL  
'ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT BYLAW 2012'**

This statement is made for the purposes of sections 83 and 86 of the Local Government Act 2002.

**Nature of Proposal**

This proposal relates to an amendment to the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009. The Amendment which is called the 'Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012' proposes creating one new and one extended Permanent Alcohol Ban Area. This proposal also provides for the revocation of the current Northland Mall Surrounds Alcohol Ban Area. The proposed Amendment Bylaw, including maps of the proposed Alcohol Ban Areas, is Schedule 1 of this Statement of Proposal document.

**Coverage of the proposed Amendment Bylaw**

The purpose of the 2009 Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places within the Christchurch City Council district. It does this by creating a series of Alcohol Ban Areas where the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places is prohibited.

The proposed Amendment Bylaw creates a new Permanent Alcohol Ban Area for Merivale and an extended Alcohol Ban Area for Papanui. The Papanui ban area covers a greater area and has extended days/hours compared to the current permanent Alcohol Ban Area for "Northlands Mall Surrounds". This change reflects the current context following the earthquake in February 2011.

**Reasons for this proposal**

Section 156 of the Local Government Act 2002 requires the Council to use the special consultative procedure when amending or revoking a bylaw. In order to add a new Permanent Alcohol Ban Area the Council must amend the 2009 Bylaw. This is because the 2009 Bylaw sets out the Permanent Alcohol Ban Areas in the Schedule of the Bylaw. Similarly, in order to change any aspects of the current Permanent Alcohol Ban Areas (for example by introducing a new wider Papanui Alcohol Ban Area), the Council must also use the special consultative procedure.

There is one main reason why the Council is now proposing this amendment to the 2009 Bylaw. Following the devastation experienced in the Central Business District (CBD) after the February 2011 earthquakes, there appears to be a clear trend where patronage of bars has shifted from the CBD to Merivale, Papanui and other suburbs. This has led to a corresponding shift in violence and disorder. The Council investigated the issues in the Merivale and Papanui areas, taking into account the current Permanent Alcohol Ban Area for the Northlands Mall Surrounds. In August 2011, the Council responded by imposing Temporary Alcohol Ban Areas for Merivale and Papanui for the period 8 September 2011 until 8 March 2012. The period of the temporary bans have since been extended until 9 September 2012, while the procedure to make permanent bans is undertaken.

Imposing a Permanent Alcohol Ban Area enables the Council to prohibit the consumption of alcohol in public places (being public places that are under the control of the Council). It also enables the Council to prohibit persons having open containers of alcohol in those public places. This extends to consuming alcohol, and being in possession of alcohol in open containers, in vehicles in public places. A breach of the bylaw is an offence and can result in a criminal conviction. Under the Bylaw and the Local Government Act 2002, the Police have a range of enforcement powers. Police officers are able to search people's bags and vehicles (in certain situations) and to arrest people found to be breaching the Bylaw. The Bylaw, coupled with the enforcement powers in the Local Government Act 2002, provides the Police with another tool to deal with disorder.

### **Proposed change**

The proposed change is summarised below:

The proposed change will create the **Merivale Alcohol Ban Area** and extend the Northland Mall Surrounds Alcohol Ban Area to create the **Papanui Alcohol Ban Area**.

**The alcohol ban restrictions would apply** for *Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.*

Please refer to the attached proposed Bylaw Amendment for the area descriptions and maps of the areas in which the alcohol restrictions would apply.

### **Bylaw-making power (scope and limitations of the bylaw)**

The power to make the proposed Amendment Bylaw is provided by section 147 of the Local Government Act 2002, which enables councils to make bylaws for "liquor control purposes". Such bylaws can regulate alcohol in public places, including in vehicles in public places, but the public places are limited by section 147 to land that is under the control of the Council and that is open to the public (e.g. roads (including those not under Council control), footpaths, parks, squares, riverbanks, beaches).

The bylaw-making power in section 147 contains some exceptions to what can be regulated. For example, a bylaw made for liquor control purposes cannot apply to unopened bottles or containers of alcohol being transported promptly through an Alcohol Ban Area, such as:

- • commercial deliveries to licensed premises
- • carrying alcohol bought from an off-licence (eg liquor store)
- • carrying alcohol to or from BYO licensed premises
- • carrying alcohol to or from private residences.

The 2009 Bylaw does not apply to any areas or activities covered by a licence issued under the Sale of Liquor Act 1989.

### **Options analysis**

As part of normal Council decision-making, various options need to be explored (section 77 of the Local Government Act 2002). In the analysis for this Amendment Bylaw, three options were considered:

- Option one: Status quo, retain the 2009 Bylaw with its existing Permanent Alcohol Ban Areas;
- Option two: Further extend the temporary alcohol bans for Merivale and Papanui;
- Option three: An amendment to the 2009 Bylaw making new Permanent Alcohol Ban areas for Merivale and Papanui. (This will require a revocation of the existing Permanent Alcohol Ban Area for Northland Mall Surrounds).

The preferred option was option three because Merivale and Papanui have experienced significant increases in the negative impacts of alcohol following the closure of Central City venues and an influx of patrons to these suburbs following the February 2011 earthquake. While an alcohol ban is not the complete solution to reducing alcohol-related harm, an alcohol ban can provide an appropriate local approach to addressing local problems especially when part of a wider, multi-level approach to tackling alcohol issues. The Police indicate that the current temporary alcohol bans provide effective early intervention tools to manage the potential downstream effects of alcohol consumption in public places. In addition the bans have been particularly useful for removing potential offenders or victims from hotspot areas, therefore preventing the escalation of alcohol-related problems. The proposal to make the temporary bans permanent is supported by the Police, the Community Boards, residents associations and business operators in Merivale and Papanui.



## **Report on section 155 analysis**

When making or amending a bylaw, the Local Government Act 2002 requires the Council to go through an analysis in accordance with section 155. An analysis was undertaken on the new Merivale permanent ban area and in respect of the area where change is proposed i.e. the extension of the Northlands Mall Surrounds ban to cover a wider Papanui Area.

The section 155 analysis for the proposed Amendment Bylaw was carried out by answering the following questions for each of the current or proposed Permanent Alcohol Ban Areas:

1. *What is the perceived problem in the "Area"?*

(a) *Define the problem*

(b) *Define the Area*

(c) *What are the related crime statistics for the Area?*

(d) *Is there any Council 'Request for Service' (RFS) or survey data?*

(e) *Summary of problem*

2. *Is adding this Area to the Schedule of Permanent Alcohol Areas the most appropriate way of addressing the problem?*

3. *Is the description of the Area and the times, days, or dates, during which the alcohol restrictions apply the most appropriate form?*

4. *Are there any New Zealand Bill of Rights Act 1990 implications?*

Christchurch, as with any other city in New Zealand, experiences the negative impacts of alcohol. These can impact widely on our communities. A liquor control bylaw is not the complete solution to reducing alcohol-related harm but it is part of the response. It has been shown that such a bylaw is most successful when it is part of a wider, multi-level approach to tackling alcohol issues. The Council has considered what other tools are available for the police to deal with alcohol-related issues. For example, increased compliance monitoring or enforcement under the Sale of Liquor Act 1989 (e.g. in relation to intoxication, under-age purchases or 'bar-hopping' with drinks) or using section 38(3) of the Summary Offences Act 1981 to combat under-age drinking in public places. The Police indicate that the current permanent alcohol bans (under the 2009 Bylaw) provide effective early intervention tools to manage the potential downstream effects of alcohol consumption in public places. They provide a local approach to addressing local problems. Alcohol bans have been particularly useful for removing potential offenders or victims from hotspot areas, therefore preventing the escalation of alcohol-related problems.

### *Section 155 area assessments*

The following are summaries of the section 155 area assessments for each of the areas where a new ban has been proposed or changes to a current ban have been proposed.

#### *Merivale:*

The Council found that, as a result of the changed drinking patterns, following the February 2011 earthquakes there were alcohol-related problems such as noise, a wide range of damage and disorderly behaviour, broken glass and other litter in public places. Council has decided to initiate the process to amend the Alcohol Restrictions in Public Places Bylaw 2009 to incorporate permanent alcohol restrictions in the Merivale area. Since the February earthquake, the Merivale area has been one of the entertainment areas in the city and while the central city remains closed, it appears that Merivale will continue to be very popular. With more people present, the potential for increased crime and disorder associated with alcohol consumption also increases.

From 8 September 2011, a Temporary Alcohol Ban Area has been in place for Merivale. Anecdotal evidence, provisional police statistics and the results from the survey of Merivale businesses suggests that the Temporary Alcohol Ban Area for Merivale has proved an effective measure particularly in addressing the rapid increase in problems in this area. Given this evidence and the strong community and police support for the ban, amending the 2009 Bylaw (making a new Permanent Alcohol Ban Area) is considered to be the most appropriate way of addressing the alcohol-related problems for Merivale.

### *Papanui:*

There is currently a Permanent Alcohol Ban Area in place for part of Papanui (i.e. "Northlands Mall Surrounds Alcohol Ban") which has assisted in allowing the Police to deal with some alcohol-related issues in the area. However police data shows a significant increase in the number of alcohol-related offences occurring in the wider Papanui area in the period following 22 February 2011 when compared with the same period in 2009 and 2010.

Surveys of Papanui businesses in May 2011 and January 2012 show significant increases in alcohol related problems experienced by businesses after 22 February 2011, while following the introduction of the temporary Alcohol Ban Area these problems appears to have stabilised. An amendment to the 2009 Bylaw (by extending the Area of the Northlands Mall Surrounds Permanent Alcohol Ban Area) is considered to be the most appropriate way of addressing the alcohol-related problems in this Area.

### *Are there any New Zealand Bill of Rights Act 1990 implications?*

If it is determined that a bylaw is the most appropriate way of addressing the identified issues, the Council must determine whether the proposed amendment bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. The Council has determined that the proposed Amendment Bylaw is the most appropriate tool for addressing the particular issues it covers, and that it is in the most appropriate form. The proposed Amendment Bylaw gives rise to some implications in relation to the New Zealand Bill of Rights Act 1990, in particular, the right to freedom of movement. However, as the proposed Amendment Bylaw does not completely prohibit people with alcohol from being in, or moving about in, all public places, it provides demonstrably justifiable limits in a free and democratic society, and is therefore consistent with the New Zealand Bill of Rights Act 1990.

### *Conclusion.*

Council has had considered other tools to address the identified problems. However, while there is other legislation available to Police to deal with disorder and some alcohol-related offending, alcohol bans provide an opportunity to remove potential offenders and/or victims from a location before incidents escalate. In this sense, alcohol bans can be employed as an effective crime prevention tool. An amendment to the 2009 Bylaw is therefore considered to be the most appropriate way of addressing the alcohol-related problems in these areas.

### **Process and Indicative timetable**

- 26 April 2012. The Council adopted the proposed Bylaw for consultation
- Friday 4 May 2012. Consultation commences in accordance with section 83 of the Local Government Act 2002 (the Special Consultative Procedure)
- Wednesday 6 June 2012. Written submissions close.
- By 30 June 2012. The Hearings Panel hears the oral submissions. Consultation ends.
- The Hearings Panel deliberates on the submissions.
- August 2012. The Council considers the Hearings Panel's report and recommendations arising from consultation.
- The Council adopts the proposed bylaw
- 10 September 2012. The new Bylaw comes into force.

### **Submissions**

Submissions on this proposal can be made either:

- through the Have Your Say website: [www.ccc.govt.nz/HaveYourSay/](http://www.ccc.govt.nz/HaveYourSay/)

- via email to: [alcoholbylaw@ccc.govt.nz](mailto:alcoholbylaw@ccc.govt.nz)

- in writing to:

Submissions on Proposed Permanent Alcohol Bans for Merivale and Papanui  
Christchurch City Council  
PO Box 237  
Christchurch.

Submissions on this proposal may be made to the Council between Friday 4 May 2012 and Wednesday 6 June 2012.

A full copy of the report to Council on these matters is available on the Council's website at [insert link here] and can be accessed at all Council Service Centres, Council Libraries and on the Council's website during the consultation period.

## Schedule 1

### CHRISTCHURCH CITY COUNCIL

#### ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT BYLAW 2012

Pursuant to the powers vested in it by section 147 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

#### 1. SHORT TITLE

This bylaw is the Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012.

#### 2. COMMENCEMENT

This bylaw comes into force on **10 September 2012**.

#### 3. PRINCIPAL BYLAW AMENDED

This bylaw amends the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009, and is to be read as part of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009.

#### 4. SCHEDULE OF PERMANENT ALCOHOL BAN AREAS

This clause amends the Schedule of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 setting out the Permanent Liquor Ban Areas as follows:

- (a) deleting the words "The eleven permanent Alcohol Ban Areas are" on page 6, and substituting the words "The twelve permanent Alcohol Ban Areas are":
- (b) deleting the bullet point and associated words Northland Mall Surrounds on page 6, and substituting the following bullet point and associated word:  
"• Papanui":
- (c) adding the following bullet point and associated word:  
"• Merivale":
- (d) adding the following tables describing the Papanui and Merivale Ban Areas, the times, days or dates during which alcohol restrictions apply, and the associated maps, as contained in Schedule 1 of this Bylaw:
- (e) deleting the table and map for the Northlands Mall Surrounds Alcohol Ban Area.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on 26 April 2012 and was confirmed, following consideration of submissions received during the special consultative procedure by a resolution at a subsequent meeting of the Council on [insert date].

<b>Name of Alcohol Ban Area</b>	Papanui
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all, or the relevant parts of, the railway line and Vagues Road to Harewood Road, St James Avenue, Windermere Road, Blighs Road, Papanui Road, Grants Road, Grassmere Street, Main North Road as well as all of St James Park, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights, from 6.00pm to 6.00am.



<b>Name of Alcohol Ban Area</b>	Merivale
<b>Description of Alcohol Ban Area</b>	The area bounded by and inclusive of all of, or the relevant parts of the area is bounded by Rossall Street, Rugby Street, St Albans Street, Browns Road and Innes Road/Heaton Street, as indicated in the map below.
<b>Times, days or dates during which alcohol restrictions apply</b>	Wednesday, Thursday, Friday and Saturday nights, from 6.00pm to 6.00am.



**SUMMARY OF INFORMATION IN THE STATEMENT OF PROPOSAL FOR:  
PROPOSED CHRISTCHURCH CITY COUNCIL ALCOHOL RESTRICTIONS IN PUBLIC  
PLACES AMENDMENT BYLAW 2012**

This summary is prepared under section 89 of the Local Government Act 2002 and relates to the Statement of Proposal for the Proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012.

A full copy of the Statement of Proposal is available on the Council's website at [insert link here] and can be accessed at all Council Service Centres, Council Libraries and on the Council's website during the consultation period.

### **Nature of Proposal**

The proposal is to amend the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (2009 Bylaw) by creating one new and one extended Permanent Alcohol Ban Area. This proposal also provides for the revocation of the current Northland Mall Surrounds Alcohol Ban Area.

The 2009 Bylaw provides for a series of Alcohol Ban Areas designed to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places within the Christchurch City Council district. In order to add a new Permanent Alcohol Ban Area or revoke a current Permanent Alcohol Ban Area the Council must amend the Schedule of the 2009 Bylaw which sets out the Permanent Alcohol Ban Areas. Section 156 of the Local Government Act 2002 requires the Council to use the special consultative procedure when amending or revoking a bylaw.

Imposing a Permanent Alcohol Ban Area enables the Council to prohibit the consumption of alcohol in public places (being public places that are under the control of the Council). It also enables the Council to prohibit persons having open containers of alcohol in those public places. This extends to consuming alcohol, and being in possession of alcohol in open containers, in vehicles in public places. A breach of the bylaw is an offence and can result in a criminal conviction. Under the 2009 Bylaw and the Local Government Act 2002, the Police have a range of enforcement powers. They are able to search people's bags and vehicles (in certain situations) and to arrest people found to be breaching the 2009 Bylaw.

The proposed Amendment Bylaw creates a **new** Permanent Alcohol Ban Area for Merivale and **an extension** to the Area of the Northlands Mall Surrounds Permanent Alcohol Ban Area for Papanui. (This will now be called the Papanui Alcohol Ban Area.) The Permanent Alcohol Ban Areas for Merivale and Papanui will apply **from 6 pm to 6am on Wednesday, Thursday, Friday and Saturday nights**. These changes reflect the current context following the earthquakes in 2011.

### **Reasons for the proposal**

The reasons why Council is proposing this amendment to the 2009 Bylaw relate to the changed patterns of drinking and alcohol related disorder following the devastation experienced in the Central Business District (CBD) after the February 22 earthquakes. There appears to be a clear trend where patronage of the CBD bars has shifted to the suburbs, including Merivale, and Papanui, with consequent increases in alcohol related disorder in these affected suburbs. Council has instituted Temporary Alcohol Bans for areas of Merivale and Papanui until 9<sup>th</sup> September 2012, while Council undertakes further investigation and consultation as to whether permanent bans are required in these areas.

## Report on section 155 analysis

In making or amending a bylaw, the Local Government Act 2002 requires the Council to go through an analysis in accordance with section 155. An analysis was undertaken on the new area in which Alcohol bans might apply for Merivale, and for the proposed wider Papanui ban area.

Christchurch, as with any other city in New Zealand, experiences the negative impacts of alcohol. These can impact widely on our communities. An Alcohol Ban is not a complete solution to reducing alcohol-related harm but it is part of the response. It provides a local approach to addressing local problems. It has been shown that Alcohol Bans are most successful when part of a wider, multi-level approach to tackling alcohol issues. The Police indicate that the current Alcohol Bans under the 2009 Bylaw provide effective early intervention tools to manage the potential downstream effects of alcohol consumption in public places. In addition they have been particularly useful for removing potential offenders or victims from hotspot areas, as a result preventing the escalation of alcohol-related problems.

The following are summaries of the section 155 area assessments for Papanui (where an extended permanent ban has been proposed replacing the current Northland Mall Surrounds ban) and Merivale (where a permanent ban has been proposed).

### *Papanui:*

There is currently a Permanent Alcohol Ban Area for part of Papanui (i.e. Northlands Mall Surrounds) which has assisted in allowing the Police to deal with some alcohol-related issues in the area together with a Temporary Alcohol Ban in place for a wider area.

There is now clear evidence that alcohol-related problems in the wider Papanui area (outside the Northlands Mall and Surrounds) increased following the February 2011 earthquakes and a survey of business opinion together with community and police feedback indicate that the temporary Alcohol Ban introduced in September 2011 has been effective in addressing some of these issues. A permanent ban (effectively extending the Northlands Mall Surrounds Ban) is therefore considered to be appropriate method to address alcohol-related problems in this area.

### *Merivale:*

There is currently no permanent Alcohol Ban for Merivale and prior to the February 2011 earthquakes there was a low level of problems reported for this area. A Temporary Alcohol Ban Area was put in place for Merivale in September 2011 to address the significant increase in alcohol-related problems that arose following the closure of central city licensed premises and the movement of their patrons to Merivale bars.

The need for and effectiveness of the temporary ban has been reviewed having regard to alcohol-related crime statistics, the results of preliminary community consultation and a survey of businesses in the area. It appears that the temporary Alcohol Ban has been effective, there is community support for the proposal to make the ban permanent. A permanent ban is therefore considered to be appropriate method to address alcohol-related problems in this area.

## Submissions

Submissions on this proposal can be made either:

- through the Have Your Say website: [www.ccc.govt.nz/HaveYourSay/](http://www.ccc.govt.nz/HaveYourSay/)
- via email to: [alcoholbylaw@ccc.govt.nz](mailto:alcoholbylaw@ccc.govt.nz)
- in writing to:

Submissions on proposed Merivale and Papanui Permanent Alcohol Bans  
Christchurch City Council  
PO Box 237  
Christchurch.

Submissions on this proposal may be made to the Council between **4 May 2012 and 6 June 2012.**

It is envisaged that the Council's hearings Panel will hear oral submissions on this Proposal in late June or early July 2012.



**Summary**

The data for the following two Maps was sourced from Police Communication Events – calls for service data.

**This data is not official Police stat's and is only classified as provisional.**

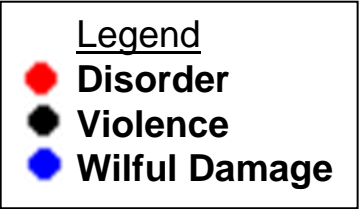
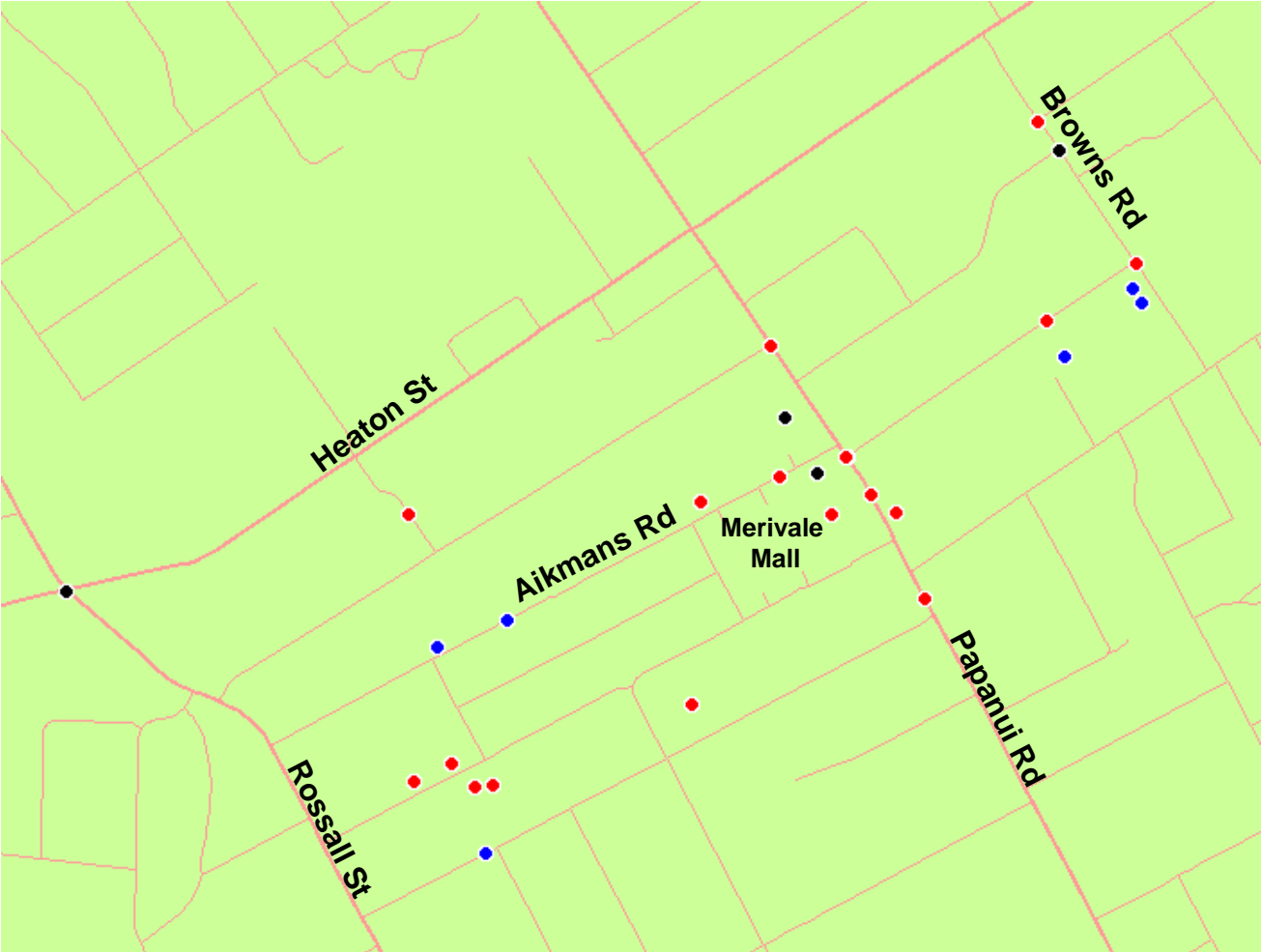
The period covered is 01 December 2011 – 29 February 2012 (3 months)

The offences displayed cannot be specifically linked to alcohol but anecdotally these offences are generally ones where alcohol may have influenced such offending.

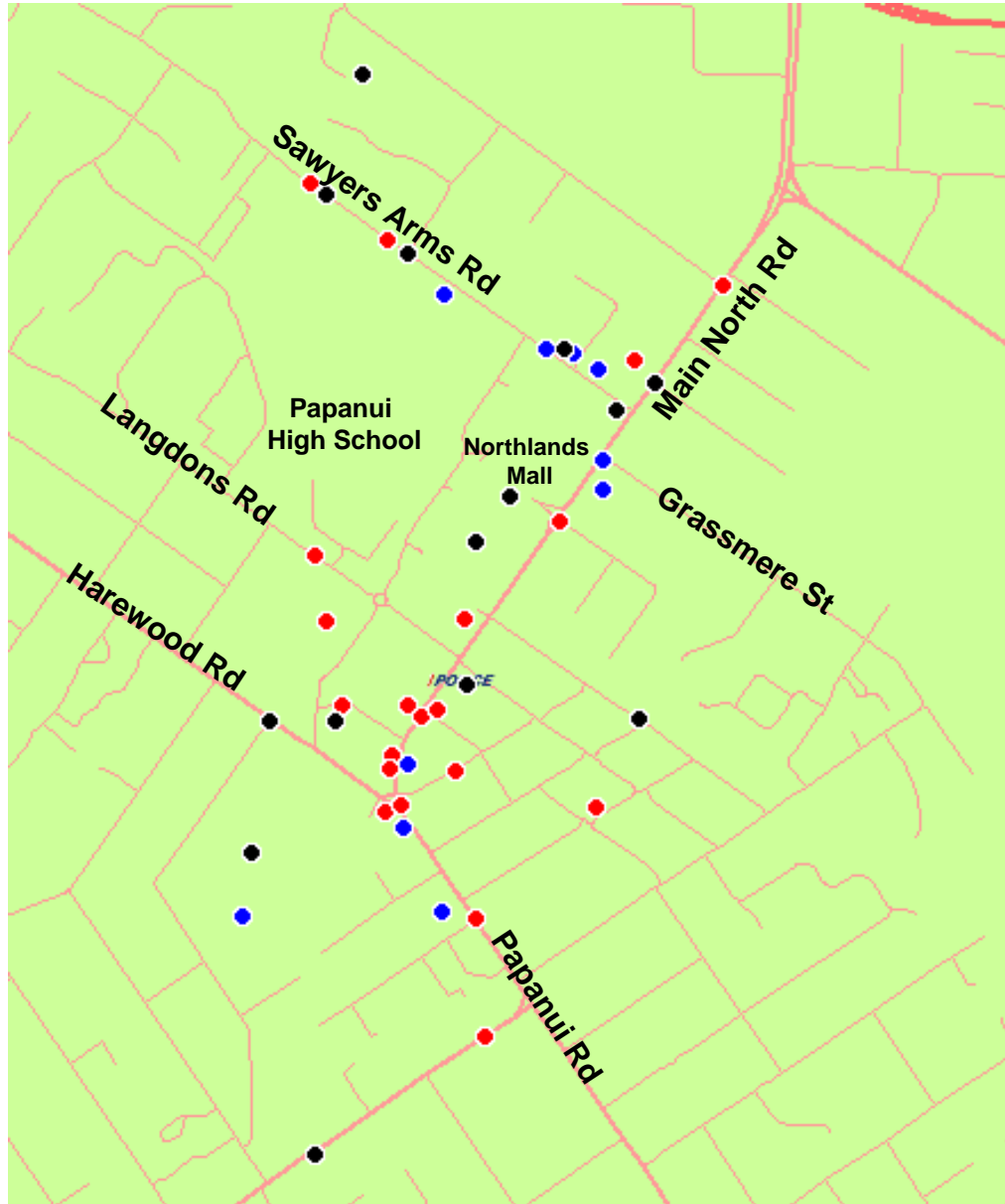
Of note is that there are, over the 3 month period, multiple offences at the same location i.e. the number of “dots” does not match the actual calls for service. Exact data numbers are in the table below.

<b>Calls for Service</b>	<b>Merivale</b>	<b>Papanui</b>
Disorder	61	97
Violence	19	33
Wilful Damage	6	16

**Disorder / Violence / Wilful Damage**  
**Police Communications Centre - Calls for Service Data**  
**01 December 2011 – 29 February 2012**



**Disorder / Violence / Wilful Damage**  
**Police Communications Centre - Calls for Service Data**  
**01 December 2011 – 29 February 2012**



Legend

- Disorder
- Violence
- Wilful Damage

9825

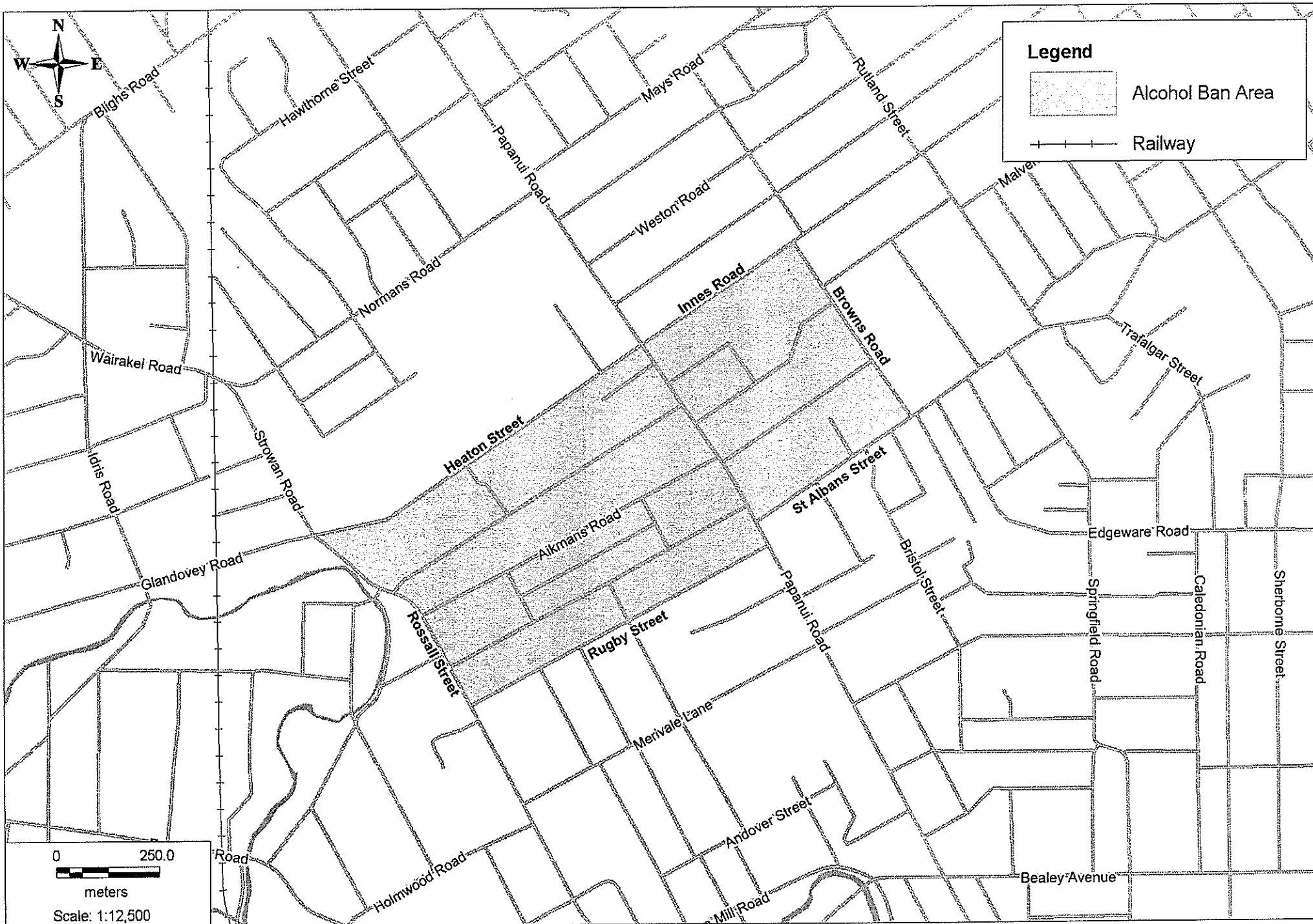
## **PROPOSED LIQUOR BAN**

### **MERIVALE MALL/PAPANUI**

- Liquor bans are not a panacea for crime reduction; they are one of many tools that assist Police in reducing crime, especially crime related to disorderly offences, intimidations and minor assaults. There is also the ability that, where these bans are policed, the offenders are removed - before major offending at the high-end assault and sexual assault areas can occur. It also gives Police a real reason to speak to individuals, especially if they are in possession of alcohol. There is, therefore, a crime preventative advantage in having liquor ban areas which are then enforced by Police actions.
- By having very clear liquor ban areas that can be easily visualised by the public, issues as to where liquor ban areas start and finish are greatly reduced, eg, the whole Four Avenue removes a lot of debate about what was and what wasn't in the area. Likewise, in the proposed permanent Papanui and Merivale liquor bans, distinct boundaries are created for the ease of clarity.
- Due to the earthquake displacement, the proposed bans are effectively pre-empting an expected increase in liquor-related type offending. However, information collated across the areas of alcohol-related offences, minor assaults, disorder, intimidation and threats indicates a 68.6% increase in offending since the September earthquakes. Offending for the whole of the year across all these crime areas for Merivale and Papanui amounts to 51 offences in 2009 and 59 offences in 2010. However, already this year to date a total of 75 offences have been reported; an increase as stated of 68.6%. It is expected this will actually continue as more liquor outlets open.

- There is already in place a permanent liquor ban in Papanui. Effectively this ban incorporates the Northlands Mall area and addresses an existing problem where offenders were largely congregating around the Mall with alcohol. Policing of that ban has effectively removed this problem. However, the proposed extension to that ban area now relates to additional liquor licensing premises openings, eg, Club 22, and the general dispersion from the CBD to Papanui CBD area. It is estimated that approximately 1,000 new business persons working from recently leased premises are now in the Papanui CBD and bringing to the area a large number of customers each day. There is now a considerable increase in foot traffic and overall business activity in the Papanui area.
  
- In respect of Merivale, inquiries with existing bars and restaurants have indicated an increase in business in the order of 25-35%. It is expected that additional bars will open in the area. The concern is that where there are a large number of liquor licensed premises in a small area, there is a compounding adverse effect around criminality. Effectively, criminals are drawn to these areas to predate on victims and/or generate disorder. Following a survey of 24 businesses spoken to in Merivale, 13 have reported they have been impacted in a negative way by the licensed premises. The issues reported range from an innocent member of the public being challenged to a fight twice in one night by separate groups [both on Aikmans Road], concerns around increased rubbish/broken glass and bottles in the Merivale shops generally, underage drinkers and drinking alcohol in a public place near Merivale licensed premises. Also residents were indicating bottles and people urinating in their grounds. The belief was that the old CBD 'strip' crowd is now calling Merivale their new home.
  
- For the above reason, permanent liquor bans are proposed as just one tool available to assist in reducing these adverse and probable outcomes.

D M Lawry  
Inspector  
Area Commander : Northern  
25 May 2011





Police fully support the making of the temporary Liquor Bans permanent.

The Police position has not changed since the report of The Northern Area Commander, Insp Lawry, in fact it has strengthened due to the continued change in drinking habits of those in our communities.

\* Police face the continued practice of 'pre-loading' (the practice of drinking a large number of cheap drinks before going to licensed premises to socialise). This means we have already intoxicated people in and about licensed premises trying to get in and often drinking in their cars or on the street beforehand. This contributes to disorder due to the migration of these people between licensed premises as well as around food outlets.

\* The areas around many of our now busy bars are residential and the congregation of patrons, or their associates, means more anti-social behaviour and nuisance to surrounding neighbourhoods.

\* Due to the continued increase in the consumption of alcohol in uncontrolled drinking environs, often in public places, Police are being called upon to respond to calls from the public re anti social behaviour in these areas where people are drinking and behaving in a disorderly manner.

'Prevention First'

Police have initiated a new response to all types of crime and crash. This response is called 'Prevention First'.

Although Liquor bans are not the total answer to anti-social behaviour they have a well documented history of prevention of problems.

A liquor ban gives police the ability to intervene early in situations where alcohol is a factor, alcohol is commonly found as an aggravating feature in over 30% of all crime, and means that in intervening at this lower level we are able to stop the escalation of crime into the more serious crime groups thus protecting our communities and making them safer.

Police see the making of temporary liquor bans into permanent ones a matter of not only community safety but also prevention of crime.

Police would happily speak to this report at any Council meeting if requested to do so.

Regards

Al Lawn

Sgt Al Lawn  
O/C Alcohol Strategy and Enforcement Team Canterbury P.O.Box 2109,  
ChCh.