



19. REPORT OF THE HEARINGS PANEL ON THE ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT BYLAW 2012

Author:	Hearings Panel on the Alcohol Restrictions in Public Places Amendment Bylaw 2012
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PURPOSE OF REPORT

1. This is a report of the panel who heard the submissions on the proposed Alcohol Restrictions in Public Places Amendment Bylaw 2012 (amendment bylaw). It summarises the consultation process and the submissions received and contains the panel's recommendations with regard to the amendment bylaw. The panel recommends several alterations to the publicly notified form of the amendment bylaw and a tracked changes version of the amendment bylaw is (**Attachment 1**) to this report. A 'clean' version of the amendment bylaw as recommended by the panel is (**Attachment 2**) to this report.

EXECUTIVE SUMMARY

2. The purpose of the Christchurch City Council Alcohol Restrictions in Public places Bylaw 2009 (2009 Bylaw) is to reduce alcohol related harm, damage, disorder and crime and to improve community safety by placing restrictions on alcohol in some public places; the purpose of the amendment bylaw is to create new permanent alcohol ban areas for Merivale and Papanui.
3. The Christchurch City Council (the Council) introduced temporary alcohol bans for Merivale and Papanui from 8 September 2011 and on 26 April 2012 resolved to notify on 4 May 2012, an amendment bylaw creating permanent alcohol ban areas for Merivale and Papanui. As publicly notified, the amendment bylaw provides for permanent bans for the same areas of Merivale and Papanui and for the same times/days as the temporary bans i.e. Wednesday, Thursday, Friday and Saturday nights from 6pm to 6am.
4. 38 people made submissions on the proposed amendment bylaw with the vast majority of submitters (37 of 38) in favour of permanent alcohol ban areas. A number of submitters seek changes to the notified proposal; five ask (or indicate support) for the ban(s) to apply seven nights a week, one submitter prefers '24/7' and three submitters request extensions to the areas covered by the bans.
5. The hearing panel met on 6 July 2012 to hear submitters and consider the submissions on the proposed bylaw. Following it's deliberations the panel recommends two minor changes and one significant alteration to the publicly notified version of the amendment bylaw. The panel recommendation (supported by a majority of panel members) is for an amendment bylaw (**Attachment 2**) providing permanent alcohol bans for Merivale and Papanui which apply on seven nights of the week, from 6pm to 6am.

DEVELOPMENT OF PROPOSED AMENDMENT BYLAW

7. Following the February 22 2011 earthquakes the Police approached the Council seeking 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. On 8 September 2011 the Council introduced temporary alcohol bans areas for Merivale and Papanui. The bans were brought in to deal with increased levels of alcohol related disorder and nuisance which followed the migration of the entertainment venues to these suburbs after the February 2011 earthquakes. The temporary bans were put in place for Wednesday, Thursday, Friday and Saturday nights from 6pm to 6am.
8. In December 2011 and January 2012 Council staff carried out a review of the temporary bans including preliminary consultation with the community. The findings from the review suggested that the temporary bans were having a positive effect, enjoyed community support and that permanent ban areas could be appropriate tools to address ongoing problems. Staff provided preliminary advice on the introduction of permanent alcohol bans for Merivale and Papanui to Council on 23 February. On 26 April July 2012, the Council resolved to commence the special consultative procedure to make permanent alcohol bans in these areas.

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9. The Council publicly notified an amendment bylaw on 4 May 2012. The publicly notified amendment bylaw has the same provisions as the temporary bans; it prohibits the possession of opened bottles and containers of alcohol and the drinking of alcohol on Wednesday, Thursday, Friday and Saturday nights from 6 pm to 6 am in public places within the Merivale and Papanui areas (specified on the maps attached to the bylaw).
10. 38 people lodged submissions which are summarised below. The hearing panel met on 6 July 2012 and decided by a majority to recommend permanent alcohol ban areas for Merivale and Papanui with two minor amendments and one substantive change to the notified proposal. The minor amendments recommended by the panel are to move the heading "Schedule 1" to immediately above the tables setting out the areas and the addition of a phrase which clarifies that the cycle/walkway is within the Papanui alcohol ban area. The substantive change recommended by the majority of the hearing panel, is for the permanent alcohol bans for Merivale and Papanui to apply on seven (rather than four) nights of the week. A tracked changes version of the amendment bylaw incorporating the hearing panel recommendations is (**Attachment 1**) to this report.

THE SUBMISSIONS

11. Public consultation on the proposed bylaw took place from 4 May 2012 to 6 June 2012 using the special consultative procedure. Consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in The Press and The Star and media advisories provided for local community newspapers. The consultation documents were available at Council Service Centres, Council Libraries and on the Council's website.

Those opposed to the proposed bans

12. One submitter (Submission 3) opposes the permanent alcohol bans. His reasons including, that the permanent bans are not needed, are heavy handed and infringe unnecessarily on personal liberty.

Those supportive of the proposed bans

13. The vast majority, 37 of 38 submissions, express support for the proposal to make permanent alcohol bans. The most frequently given reasons for support include: the migration of the central city bar district to the suburbs exacerbated the alcohol related problems of the area(s); concerns about disturbances, littering and/or vandalism; and that the temporary alcohol ban(s) have improved the situation.
14. Nine of the supporting submissions want amendments to the publicly notified proposal, as follows:
 - Papanui ban should apply seven days a week. (Submissions 5,7,16,19)
 - prefer Papanui ban to apply 24 hours a day, seven days a week. (Submission 14)
 - Merivale ban should apply seven days a week. (Submissions 5,8,19)
 - extend Papanui ban area north to Cranford Street. (Submission 25)
 - extend Merivale ban area to Papanui Road (Submission 17); include Elmwood Park. (Submission 38).
15. In summary, most submitters appear to consider that the temporary bans are effective in reducing problem behaviours and support the notified proposal for permanent bans to maintain the safety and security of the areas. A minority of submitters request /would prefer permanent bans which are more comprehensive than the current temporary bans.
16. A resident of 396 Papanui Road (Submission 14), had originally asked to be heard but was not able to attend the hearing on 6 July. Their submission states "I would prefer the proposed alcohol ban be in place 24 hours a day every day of the week".

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17. Only one submitter attended the hearing; Malcolm Frost, chair of the body corporate for a commercial building (containing an art studio, internet café and professional offices) at 16 Loftus Street, Papanui. Mr Frost thanked the Council for putting in place the (temporary) alcohol ban and elaborated on his submission (Submission 29) in support of a permanent ban. Mr Frost was asked by panel members whether he had noticed evidence of alcohol related disturbances on those nights when the ban did not apply. He responded that he had not and suggested that as there was a police station nearby, the Wednesday- Saturday ban may have affected behaviour on other nights as "a generic effect".

DELIBERATIONS

18. The Hearings Panel, Councillors Sue Wells (Chair), Peter Beck, Sally Buck, Barry Corbett and Aaron Keown considered the strong support from submitters for permanent alcohol bans. Panel members agreed that there is a demonstrated need for permanent alcohol bans, that the ban areas are appropriate and that two minor changes (described in paragraph 10 above) should be made to the proposed bylaw as suggested by staff. The panel then discussed those submissions asking for the bans to apply on all nights of the week. Panel members noted that some bans e.g. Riccarton-Illam, apply "24 /7" and considered that bans which applied for all nights of the week would be easier to understand/enforce and that a Wednesday-Sunday ban provides inadequate coverage for Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day where these days fall on Sunday, Monday or Tuesday.
19. The Chairperson sought advice from Legal Services Unit staff as to whether it would be appropriate for the panel to recommend to the Council that it adopt an amendment bylaw with an extension from the nights specified to seven nights a week. Staff responded that although some submitters had requested such an extension, such a bylaw may be vulnerable to legal challenge. While it was open to the Council to make amendments in response to submissions received, the Council had not consulted on a proposal which included seven nights within the ban, and there appeared to be a lack of evidence that the problems, which the bylaw was intended to address, extended to Sunday, Monday and Tuesday nights.
20. Councillor Wells foreshadowed an amendment, an addition to the staff recommendation, that the alcohol bans for Merivale and Papanui apply on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day (in addition to Wednesday-Saturday nights). Councillor Keown then moved, seconded by Councillor Buck, a recommendation that the permanent alcohol bans for Merivale and Papanui apply on seven nights a week. This motion was carried 4-1. Councillor Wells then put forward a motion, carried unanimously, recommending that the Council undertake an additional piece of work to impose temporary liquor bans on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day in each of those areas which have liquor bans not currently covering those days and times.

LEGAL CONSIDERATIONS

21. It is noted that the proposed substantive changes to the bylaw have been requested by some submitters and that the hearing panel have taken these submissions into account in forming its recommendations. A bylaw hearing panel has no decision-making powers but in accordance with its delegation, considers written and oral submissions and makes recommendations to the Council. The Council can then accept or reject those recommendations as it sees fit, bearing in mind that the Local Government Act 2002 requires views presented during consultation are to be given "due consideration in decision-making".¹
22. Staff recommend two minor corrections /clarifications to the proposed amendment bylaw:
 - (a) Minor correction - move the phrase "Schedule 1" to immediately above the two tables detailing the Merivale Alcohol Ban Area and the Papanui Alcohol Ban Area.
 - (b) Clarification- change the table describing the Papanui Alcohol Ban Area (in Schedule 1 of the Bylaw) by inserting the words "the cycle-walkway and" immediately after the words "inclusive of all, or the relevant parts of,".

¹ Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

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23. Section 157 of the Local Government Act 2002 requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect. It is recommended that the Bylaw come into effect on 9 September 2012.

HEARING PANEL RECOMMENDATIONS

25. The Hearings Panel decided on the motion of Councillor Keown, seconded by Councillor Buck, to recommend that the Council:
1. (a) Resolve to adopt the Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012 with the changes noted below to come into effect on 9 September 2012.
 - (b) Amend the table describing the Papanui Alcohol Ban Area (in Schedule 1 of the Bylaw) by inserting the words "the cycle-walkway and" immediately after the words "inclusive of all, or the relevant parts of,".
 - (c) Move the phrase "Schedule 1" to immediately above the two tables detailing the Merivale Alcohol Ban Area and the Papanui Alcohol Ban Area.
 - (d) Make the following change to the table describing the times, days or dates during which alcohol restrictions apply in Schedule 1 of the Bylaw by replacing the words "Wednesday, Thursday, Friday and Saturday nights" with the words "seven nights a week" where they occur in both the Papanui and Merivale Alcohol Ban Areas.
 - (e) Give public notice as soon as practicable, that the Christchurch City Council Alcohol in Public Places Amendment Bylaw 2012 has been made by the Council, that it comes into effect on [9 September 2012] and that copies of the bylaw may be inspected and obtained at the Council's offices or on its website, without payment.

Councillor Wells requested that her vote against the motion be recorded.

26. The Hearings Panel **decided** on the motion of Councillor Wells, seconded by Councillor Beck, to recommend that the Council :
2. Resolve to undertake an additional piece of work to impose temporary liquor bans on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day in each of those areas which have liquor bans not currently covering those days and times.

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 **9 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].

Schedule 1

Name of Alcohol Ban Area	Papanui
Description of Alcohol Ban Area	The area bounded by and inclusive of all, or the relevant parts of, the cycle-walkway and 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.
Times, days or dates during which alcohol restrictions apply	Seven nights a week from 6.00pm to 6.00am.

Deleted: ,

Deleted: Wednesday, Thursday, Friday and Saturday nights,



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

Deleted: Wednesday, Thursday, Friday and Saturday nights,



ATTACHMENT 2

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.

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- (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].

Schedule 1

Name of Alcohol Ban Area	Papanui
Description of Alcohol Ban Area	The area bounded by and inclusive of all, or the relevant parts of, the cycle-walkway and 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.
Times, days or dates during which alcohol restrictions apply	Seven nights a week from 6.00pm to 6.00am.



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

