



**Queenstown Lakes District Council
Proposed Alcohol Ban Bylaw 12018
Hearing of Submissions**

Minutes of the hearing of submissions to the proposed Alcohol Ban Bylaw 2018 held on Friday 14 September 2018 in Council Chambers, 10 Gorge Road, Queenstown commencing at 9.30am.

Present

Councillors Clark, Hill and McRobie.

In Attendance

Mr Lee Webster (Regulatory Manager), Ms Sian Swinney (Team Leader Alcohol Licencing), Ms Tara McGivern (Alcohol Licensing Inspector), Ms Sharon Dinneen (Alcohol Licensing Inspector), Mr Nathan Bates (Alcohol Licensing Inspector), Shelley Dawson (Senior Governance Advisor) and 1 member of the media

**On the motion of Councillors McRobie and Clark it was resolved that
Councillor Hill chair the hearing.**

The Chair introduced the hearing panel, the two Queenstown speakers and staff. He noted that Ms Rachel Brown from the Wanaka Alcohol Group was joining via skype from Wanaka.

Sergeant Tracy Haggart - NZ Police

Sergeant Haggart explained that the object of the Sale and Supply of Alcohol Act 2012 (SSAA) was to ensure the supply and consumption of alcohol was undertaken safely and responsibly with the harm caused by excessive use minimised. She noted that the bylaw was a key tool for the Police working alongside other agencies to reduce harm. Sergeant Haggart commented that Police supported the increase in hours, supported the existing New Year and Winterfest bans and supported the proposed 24 hour Crate Day ban.

Sergeant Haggart suggested that a 24 hour alcohol free area all year round would be easier to enforce, would cause less confusion and create a safer environment for the public. She noted that outside of the ban hours Police could only intervene once a person was drunk, offensive or aggressive and it was too late at this point. Sergeant Haggart explained that the photos submitted were typical of any night in Queenstown and suggested that the drinking and behaviours had become normalised. She suggested that there needed to be clearer signage at the boundary of the zone and more information given to accommodation providers and liquor stores inside the zone.

Sergeant Haggart gave a briefing of the event in the video on the Esplanade noting the noise, alcohol consumption and offensive behaviour increased as the night wore on. She also talked to the Christmas Day images and video noting that at peak time there were approximately 1000 people on the beach with 600-700 of those drinking.

She highlighted the debris, rubbish, offensive behaviour and intoxicated people as a result of this gathering.

Sergeant Haggart was asked if there was any evidence or information from other districts since they had enforced a 24/7 alcohol ban and she replied that she had not discussed this with the districts. There was discussion whether the crate day ban should cover the district rather than just the Queenstown CBD and Sargent Haggart commented that the Police would support a wider ban.

There was discussion about displacement from the CBD into other areas if the crate day ban was put in place. Sergeant Haggart commented that at the last event with a CBD ban in place, Police were able to react to and deal with smaller groups as they formed in other areas. There was discussion on alternative names for the bylaw and Sergeant Haggart commented that positive wording such as alcohol free zone was used in other districts.

Dr Marion Poore and Ms Stephanie Beckuis-Pay- Southern District Health Board (SDHB)

Dr Poore commented that the SDHB supported the intent of the bylaw to assist in reducing alcohol harm noting that it primarily focussed on reducing disorderly behaviour. She commented that the harmful use of alcohol was a big issue in the district noting the number of alcohol related presentations at Lakes District Hospital in their submission. Dr Poore commented that the proposed bylaw had several specified time periods which made it too complex. She suggested that a 24/7 alcohol free zone would be less confusing and more consistent. Dr Poore noted that alcohol impaired people were alarming to others, impacted on the perception of public safety and did not contribute to a vibrant lively CBD.

Dr Poore proposed that the bylaw be renamed to the Alcohol Free Zone bylaw as it was less intimidating and more positive and inclusive. She noted that people don't like being told what to do so the word 'ban' was not helpful. Dr Poore suggested the need for more creative signage around the zone such as painting on the footpath and commented that the advice needed to be consistent. She noted that the proposed crate day ban was just for the Queenstown CBD and suggested it be extended to the district. Dr Poore suggested there could be more promotion by several agencies around health before the event. She commented that Council should collect basic data to inform the next bylaw review. After questioning she noted that the SDHB figures in her report were collected for the first time this year and they would have more data to compare in 12 months' time.

Rachel Brown – Wanaka Alcohol Group (via skype)

Ms Brown explained that they had sent their submission directly to a regulatory email address that had automatically filed it in a junk folder, and it was only discovered the day before the hearing.

Ms Brown explained that the group had formed in 2013 as a response to issues with alcohol in the community. She noted that they had representatives from a wide range of stakeholders in the community and the group had done both research and education work. Ms Brown commented that there was a cultural problem with alcohol

and that the community and council needed to have ongoing conversations about alcohol use and harm. She acknowledged that alcohol was a big part of the local economy and industry. Ms Brown explained that the bylaw was aimed at reducing alcohol harm and suggested Council look at how proactive and preventative it was being. She commented that there needed to be better communication with the licence holders that the bylaw was not targeted at them.

Ms Brown supported changing the name to Alcohol Free Zone or similar and compared it to the Smokefree movement and how Smokefree was now part of NZ culture. She suggested that there could be more alcohol free areas and events. Ms Brown commented that signage and consistency was important and suggested that Council work towards 24/7 alcohol free areas. She supported the conversations around the crate day ban and suggested that it be extended to cover the district.

Ms Brown commented that any alcohol free zone relied on support from the Police for enforcement and support. She noted that there had been issues in the past due to lack of enforcement.

Mr Webster explained that the panel would deliberate and make recommendations to Council. Council officers would present these recommendations in a report to the October Council meeting. He noted that as a courtesy they would provide a copy of the report to submitters.

The Chair thanked the submitters for their contribution and the Panel moved into deliberations at 10.13am.

Suggestion to rename the bylaw

There was discussion around the naming of the bylaw and the use of the term 'alcohol free zone'. It was agreed that more positive wording should be used to get away from the word 'ban'. **The panel agreed for staff to work on a suggested name to take to Council in the final report.**

Proposal to include an alcohol ban on 'Crate Day'

There was discussion around making the crate day restrictions district wide. Mr Webster advised the panel around the legislation to make and amend the bylaw. He explained that there had to be evidence specific to the area that the bylaw would apply to and the problem had to be experienced at a high level. Mr Webster commented that where there was no evidence Council had to be very careful around making the decision to ban as the proposal was effectively restricting peoples' rights. This was why they had proposed that the crate day restriction be for the Queenstown CBD only.

There was discussion around the potential for increased issues in other areas such as Sunshine Bay when crate day was moved out of the CBD. Mr Webster commented that people should be encouraged to complain to Police if there were issues so that there would be evidence going forward to support a change to the bylaw. Mr Webster suggested a recommendation to Council to work with the SDHB

and Police to get more evidence to support Council in a bylaw change. He noted that if Council received information and evidence they could review the bylaw. **The panel agreed with the proposal to include a ban in the Queenstown CBD for crate day.**

Proposal to increase the alcohol ban hours

It was noted that the SDHB and Police supported a 24/7 ban and it was explained that the legislation asked for evidence of high levels of crime and alcohol related harm as reasonable justification for the limitation on peoples' freedoms and rights. Staff noted that there was currently no evidence to support a 24/7 ban. Mr Webster commented that the amended LGA put in a higher threshold than previously. Clause 147(b) of the LGA was hindering council from taking proactive measures to reduce alcohol related harm. **Mr Webster suggested a recommendation for Council to central government asking for a review of clause 174(b) and the panel agreed.**

There was clarification that the bylaw did not affect people in the outdoor areas of licensed premises as they were governed by the terms of their individual licences. There was further discussion on the need for evidence and information. **The panel agreed with the proposal to increase the alcohol ban hours from 8.00pm to 8.00am** based on the available evidence and information. Mr Webster commented that there needed to be figures on the number of drinking infringement notices, the resources called into the region to help, the number of alcohol related callouts, the number of people presenting at the hospital with alcohol related injuries and so on and it was currently difficult to get this information from the Police or the SDHB. **Mr Webster suggested a Council recommendation asking for greater collaboration with the SDHB and Police to gather the evidence needed for any future bylaw reviews. The panel agreed noting this should include joint programmes around education and health.**

There was discussion around the lack of enforcement of the current rules. Officers noted there was a recently formed Police alcohol harm reduction squad that could perhaps be more visible on the streets especially during times when the ban came into effect. It was suggested that they could focus on attending large events or be present in the CBD at ban enforcement times.

Mr Webster talked to the submission from the Motor Caravan Association and he noted that alcohol in a vessel inside a motorhome was not a problem and not an issue staff were focussed on.

Recommendations to Council

The hearing panel recommend that Council:

1. Accept the proposal to increase the hours of the alcohol ban in specified areas e.g. Queenstown CBD to cover from 8.00pm on any day to 8.00am the following day;

2. Accept the proposal to include an alcohol ban in the Queenstown CBD from 12.00am on National Crate Day (or any other similar event or promotion) of any given year to 12.00am the following day;
3. That the title of the bylaw be amended to a name such as “Alcohol Free Zone Bylaw” or similar, to be suggested by officers in their report to Council;
4. That Council endorse greater collaboration with the Southern District Health Board and NZ Police to ensure stronger evidence and information is available from them to assist Council’s decision making in any future reviews of the bylaw; and
5. That Council write to central Government requesting a review of clause 147(b) of the Local Government Act 2002 to allow councils to create more proactive measures to reduce alcohol harm in their communities.

The panel finished deliberations and closed the meeting at 11.06am.