

Statement of Proposal

Draft amendments to the Alcohol Restrictions in Public Places Bylaw 2018

1 INTRODUCTION

The purpose of the Alcohol Restrictions in Public Places Bylaw 2018 is to reduce the potential for alcohol related offensive behaviour and harm, damage and disorder and crime, and to promote and improve community health and safety. The bylaw prohibits the possession and consumption of alcohol in specific public places, dates and times within Queenstown Lakes District. It also allows additional permanent and temporary alcohol bans to be established by Council for other public places, dates and times, subject to meeting specific criteria.

The Alcohol Restrictions in Public Places Bylaw 2018 is due for review. Council is proposing to amend the current bylaw, to take effect from September 2023, and we would like to know what you think.

There is a separate statement of proposal for the Activities in Public Places Bylaw 2016, that is also currently being reviewed. That bylaw relates to trading, events, licensed premises tours, distribution of leaflets and the consumption of mind altering substances in public places.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Alcohol Restrictions in Public Places Bylaw 2018 showing the proposed amendments to be made (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA
- the reasons for the proposed amendments
- how you can have your say
- timetable for consultation.

2 PROPOSED CHANGES

Under the existing bylaw, the areas currently subject to an alcohol ban are (see the maps in the current bylaw: Attachment 2 to this statement of proposal):

- Queenstown, Wānaka, Frankton, Arrowtown, Lake Hāwea specified public places:
 - 8pm – 8am every day
 - 6am on 27 December to 6am on 6 January of the following year, inclusive
- Queenstown specified public places:
 - 12am on National Crate Day (or any variation of this event or promotion) to 12am the following day
 - 6am on the opening day of Queenstown Winter Festival to 6am the day after the closing day of Queenstown Winter Festival.

Council is proposing the following amendments in the draft bylaw:

- addition of permanent bans for Queenstown public places from 8am on Christmas Day to 8am the day after Boxing Day (27 December)
- removal of alcohol bans for specified public places in Frankton, Arrowtown and Lake Hāwea
- removal of the alcohol ban for Queenstown Winter Festival
- adjustment of ban timings so that they all commence or end at 8am

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- updated maps
- minor changes to the bylaw to improve readability and align with updates to legislation.

All proposed amendments are identified in the draft bylaw by way of tracked changed text (~~strike through~~ and underlined) included in this statement of proposal at Attachment 1. Council proposes the changes in the draft bylaw will come into effect in September 2023.

ATTACHMENT 1 – Draft Alcohol Restrictions in Public Places Bylaw 2018

ATTACHMENT 2 – Current Alcohol Restrictions in Public Places Bylaw 2018

ATTACHMENT 3 – Information and evidence supporting the proposed alcohol bans

(Appendices to be added to statement of proposal document when released for consultation.)

3 THE REASON FOR THE PROPOSAL

The key reasons for this proposal are to:

- address crime or disorder caused or made worse by the consumption of alcohol in public places
- seek community views on the review of an alcohol control bylaw
- seek community views on the areas, times and dates subject to an alcohol ban under the draft bylaw
- seek community views on the draft bylaw
- to encourage people to give feedback on the draft bylaw
- to let people know how they can give feedback.

The 23 March 2023 Council report contains more detailed information on these points:

<https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>.

4 HOW YOU CAN HAVE YOUR SAY

Anyone can make a submission online at <https://letstalk.qldc.govt.nz>. Submissions will be accepted from 8am on 3 April 2023 and must be received by 5pm on 5 May 2023.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to Council about this matter.

Copies of this statement of proposal and draft bylaw may obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown, 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website: at <https://letstalk.qldc.govt.nz>. If you need help submitting please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council will be acknowledged and made available to the public.

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Council intends to hold a hearing in June 2023. This is when anyone who has made a written submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audiovisual link. If at the hearing you have any requirements, please let us know.

5 TIMETABLE FOR CONSULTATION

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Date	Activity
23 March 2023	Council adopted the proposal for consultation
3 April 2023	Consultation period begins (8am)
5 May 2023	Consultation period ends (5pm)
June 2023	Oral submissions heard by Council hearing panel (date to be confirmed)
18 August 2023	Deliberations and adoption by Council

6 INFORMATION ABOUT THE PROPOSAL

Background

Council has the power under the Local Government Act 2002 to make bylaws to control the consumption, bringing into and possession of alcohol in public places to reduce alcohol related harm.

The current bylaw was established for the purpose of addressing the problem of crime and disorder related to the consumption of alcohol in specified public places within the district. The current bylaw also allows Council to establish further alcohol ban areas within the district as required. The bylaw was last reviewed in 2018 and is due for review this year.

Preliminary engagement was undertaken during November 2022 to gather information as to what stakeholders view as the main issues with the current bylaw. There was feedback that the bylaw is generally working well. There were also comments that the duration and days of alcohol bans should be increased, as well as input that the bylaw prohibits people from having a quiet drink on the lakefront.

Before Council can complete the review of an alcohol control bylaw, it must be satisfied that:

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- there is evidence that the area to which the proposed controls will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
- the proposed controls are appropriate and proportionate in the light of that crime and disorder.

Crime and disorder in this context can involve violence, offensive or threatening behaviour, littering, damage, general noise and nuisance, vandalism and dangerous driving. The key information and evidence to support each of the alcohol bans in the draft bylaw, about which Council is satisfied for the purposes of section 147A of the LGA and the draft bylaw, is contained in Attachment 3 to this statement of proposal. The consultation process allows for additional information to be provided in relation to the proposed alcohol bans in the draft bylaw.

Information about the draft bylaw

The main changes proposed in the draft bylaw are:

- adding 8am Christmas Day to 8am the day after Boxing Day (27 December) as a permanent alcohol ban in Queenstown public places
- removing the 8pm – 8am year round alcohol bans for Frankton, Arrowtown and Hāwea public places
- removing the Queenstown Winter Festival alcohol ban
- aligning alcohol ban times to begin and end at 8am, for consistency (currently ban times vary between commencing and ending at 12am, 6am and 8am)
- updating the bylaw maps to improve readability
- minor changes to wording in the bylaw, to provide clarification and align with legislation updates, etc.

As with the formal review, or making, of any bylaw, it is open to Council to consider other amendments that could be included in the bylaw.

During the consultation process, Council may consider community views that seek to:

- make changes to the alcohol ban times and public places proposed to continue in Queenstown and Wānaka
- add additional public areas that should be subject to alcohol bans (including reinstating current ban areas that are proposed to be removed)
- make additional changes to the draft bylaw
- convince Council not to adopt an alcohol control bylaw.

For any changes following the consultation process and before final adoption of the bylaw, Council will need to ensure there has been adequate consultation, and that the changes can be justified as appropriate and proportionate relative to the high level of crime and disorder arising in connection with the amendments sought, and the consumption of alcohol in public places. Council must determine, under section 155 of the LGA, that a bylaw is the most appropriate way of addressing the perceived problems, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Council has made these determinations in relation to the draft bylaw.

7 DETERMINATIONS UNDER SECTION 155 OF THE LGA

Council is empowered to make the bylaw in accordance with the Local Government Act 2002 that requires Council to make the following determinations.

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The draft bylaw is the most appropriate way of addressing the perceived problem – Council has had an alcohol control bylaw in place since 2002. It is an effective tool used by Police to prevent and quickly address alcohol related harm. Council has resolved that a bylaw is the most appropriate way to address crime or disorder caused or made worse by the consumption of alcohol in public places. Further information is available in the 23 March 2023 Council report: <https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>.

The draft bylaw is the most appropriate form of bylaw - Council resolved that the draft bylaw is the most appropriate form of bylaw. It allows the alcohol ban areas, dates and times in Queenstown and Wānaka to be easily enforced by Police and provides the flexibility to respond to any need to establish additional temporary alcohol-free areas within the district where a high level of crime or disorder arises.

The draft bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 - While the draft bylaw provides that people can be asked to leave, or to stop consuming alcohol in areas where an alcohol ban applies, Council is required to ensure that when establishing areas where an alcohol ban applies that the bylaw is both appropriate and proportionate to the level of crime or disorder and is justified as a reasonable limitation of people's rights and freedoms. Council has resolved that the provisions of the draft bylaw do not unreasonably interfere with any of the rights granted by the New Zealand Bill of Rights Act 1990.

8 WHAT HAPPENS NEXT?

After it has received written and oral submissions, Council will make decisions on the draft bylaw which is proposed to occur on 18 August 2023. Council may make other changes to the draft bylaw in response to feedback, but anything that is a significant departure from the options set out in this proposal may require further consultation.

If further areas are identified which are experiencing crime and disorder associated with the consumption of alcohol in public places, Council may need to undertake further consultation and analysis in relation to the problem in those areas. Where a problem exists, which is able to be addressed by the bylaw, Council may need to consider establishing a temporary alcohol ban before varying the bylaw to establish a more permanent alcohol ban.

Council will consider the following options about how to proceed:

- **Option 1** – adopt the draft bylaw
- **Option 2** – adopt an amended bylaw
- **Option 3** – do not adopt the draft bylaw (the current bylaw will expire in October 2025).