

Attachment 2

Extract from Statement of Proposal for new Alcohol Control Bylaw 2018 (adopted by Council at meeting on 30 August 2018)

Perceived issues

The consumption of alcohol in public places and the bringing and possession of alcohol onto public places encourages crime and disorder and incidents of alcohol related harm. This is supported by evidence provided by New Zealand Police.

The consumption of alcohol in public places can be a cause of concern for both the general public, and those consuming the alcohol, in that it can incur alcohol related harm situations.

Often the problem is experienced in areas where people congregate, either in the vicinity of licensed premises or in public areas where social gatherings occur, such as beaches or parks.

Alcohol related harm through the consumption of alcohol in public places can include:

- damage to private property or public assets
- aggressive, intimidating or offensive behaviour towards others
- public disorder/nuisance behaviour such as fighting
- nuisance issues through noisy and disruptive behaviour.

When alcohol is being consumed in a public place that may lead to the above types of behaviours, Police Constables have limited powers under other legislation to 'stop the problem before it starts'.

The enforcement tools available under an alcohol control bylaw are more effective because they are instant and less time-consuming than other options.

Is a bylaw the most appropriate way of addressing the problems?

A proposed bylaw is considered the most appropriate way of reducing alcohol-related harm.

Is the proposed bylaw the most appropriate form of bylaw?

The proposed bylaw addresses the perceived problems and has been updated to comply with legislative changes.

Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990 / can the proposed bylaw be justified as a reasonable limitation on people's rights and freedoms?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand, including the right to freedom of movement. The proposed bylaw, together with the associated enforcement provisions, provides that Police Constables can ask people to leave public places that are subject to a permanent or temporary alcohol control, if they are in possession of alcohol (s169 and s170 LGA).

The proposed restrictions are considered to be fair and reasonable in the interest of reducing alcohol related harm in public places. The bylaw does not restrict the movement of people who are not in possession of alcohol or those drinking alcohol on private premises. Police Constables have complete discretionary powers in enforcing the bylaw. If Constables witness alcohol consumption

within an alcohol control area and they do not consider the activity to be of concern relating to potential alcohol related crime and disorder, they are not obliged to enforce the bylaw.

It is considered that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 and that for public health and safety reasons the proposed bylaw can be justified as a reasonable limitation on people's rights and freedoms.

A high level of crime or disorder (relating to alcohol consumption) is likely to arise again if the bylaw is not made, and the bylaw is appropriate and proportionate in the light of that likely crime or disorder.