

# Research Report

## Research for Alcohol Control Bylaw Review

### 1 Purpose

To describe and discuss research for the Alcohol Control Bylaw review.

### 2 Context and Situation

#### 2.1 Introduction

Alcohol plays a large role in New Zealanders' lives. New Zealand Police estimate that one-third of all Police apprehensions involve alcohol and half of serious violent crimes are related to alcohol<sup>1</sup>.

Nationally, alcohol consumption per head has declined slightly from 10.1 litres of pure alcohol annually in 2008, to 9.1 litres in 2022<sup>2</sup>. However, proportionately more alcohol is being consumed outside of licensed premises - 70% in 2018 compared with 59% in 1980<sup>3</sup>. This is relevant for the Alcohol Control Bylaw which relates to the consumption of alcohol in public places excluding on-license premises.

There is a lack of data regarding alcohol consumption at the Far North District level; however, from Manatū Hauora/Ministry of Health statistics<sup>4</sup> for Northland, in the period from 2017 to 2020:

- 83% of Northlanders had consumed alcohol in the past year
- 22% were classified as hazardous drinkers based on the Alcohol Use Disorders Identification Test (AUDIT).

At the national level, Manatū Hauora/Ministry of Health statistics<sup>2</sup> for 2021 showed that the 18-to-24 age group includes a higher proportion of hazardous drinkers (31%). However, a study on adolescent health and wellbeing reported a decrease in harmful binge drinking in the last month amongst secondary school students, from 42% in 2001 to 22% in 2019<sup>5</sup>.

#### 2.2 Bylaw review

The Council's Alcohol Control Bylaw (the Bylaw) came into force on 13 December 2018 replacing the previous Public Places Liquor Control Bylaw 2003. The Bylaw was made under section 147 of the Local Government Act 2002 (the Act).

Under section 158 of the Act, the Bylaw is due for review by 13 December 2023. If it is not reviewed by this date, its provisions will still apply for two years and then will automatically revoke on 13 December 2025.

Under section 155 of the Act, in reviewing the Bylaw the Council is now required to consider whether a bylaw is the most appropriate way of addressing the perceived problem.

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<sup>1</sup> Source: Manatū Hauora/Ministry of Health. <https://www.health.govt.nz/system/files/documents/publications/alcohol-factsheets.pdf>

<sup>2</sup> Source: Stats NZ - alcohol available is calculated from production for domestic consumption, plus imports, less exports

<sup>3</sup> Source: M.E Consulting. 2018. *New Zealand alcohol supply and demand structures*. Research report for Health Promotion Agency

<sup>4</sup> Source: [Manatū Hauora/Ministry of Health. https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/](https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/)

<sup>5</sup> Source: Fleming T, Ball J, Bavin L, Rivera-Rodriguez C, Peiris-John R, Crengle S, et al. 2022. "Mixed progress in adolescent health and wellbeing in Aotearoa New Zealand 2001–2019: A population overview from the Youth 2000 survey series". *Journal of the Royal Society of New Zealand*, 52:4. <https://doi.org/10.1080/03036758.2022.2072349>

If a bylaw is determined to be the most appropriate way of addressing the problem, Council must decide whether:

- the Bylaw is the most appropriate form of bylaw
- the Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

### 3 Problem definition

#### 3.1 Problem addressed by the Bylaw

The original problem<sup>6</sup> addressed by the Bylaw was stated as:

“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**”. 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.”

The purpose of the Bylaw as stated in clause 4 reflects the above problem: “to provide for the prohibition and control of the consumption or possession of alcohol in public places (including vehicles in public places) to reduce alcohol-related harm”. This purpose also reflects Council’s community outcome of “communities that are healthy, safe, connected and sustainable”.

#### 3.2 Other problems relating to alcohol in public places not currently addressed by the Bylaw or by legislation

A review of RFS data, and feedback from Council’s Environmental Health Compliance team, the Police and Te Whatu Ora (Ngā Tai Ora – Public Health Northland) has not identified any other problems in the district relating to the consumption, bringing in, and/or possession of alcohol in public places that are not currently controlled or addressed by the Bylaw.

#### 3.3 Scope

##### In scope

Crime and disorder and alcohol-related harm relating to people consuming, bringing in, and/or possessing alcohol in **public places** in the Far North District which are a function of Council to control and for the police to enforce.

The Act defines a public place as: “a **place that is open to or is being used by the public**, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it”. This definition is broad, and, for example, may include supermarket car parks, sports grounds, school playgrounds, beaches, and Department of Conservation reserves. Also included is some private property that is open to or being used by the public, such as accessways over private land.

The Act also applies to alcohol that is present or consumed in vehicles within an alcohol control area.

##### Out of scope

Licensed premises are not covered by the Bylaw as they are covered by liquor licensing regulations. This means that bars, restaurants and club venues that have been issued a licence to serve alcohol fall outside the scope of the Bylaw, even where their seating extends into the public realm (provided their licence allows for this).

Private residences are not covered by the Bylaw as they are not public places.

The Act does not prohibit, regulate, or control, the transport of alcohol in unopened containers from and to premises next to public places.

An alcohol control bylaw cannot impose a ‘blanket ban’ on alcohol consumption in all public places in the district. Evidence of a high level of alcohol-related crime and disorder in a particular area is required before declaring the area is an alcohol control area.

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<sup>6</sup> Source: [Statement of Proposal - Alcohol Control Bylaw 2018](#)

### 3.4 Council's role relating to the consumption, bringing in, and/or possession of alcohol in public places

#### 3.4.1 Local Government Act 2002

Council can make a bylaw under section 147A of the Act (*Power to make bylaws for alcohol control purposes*) to regulate the consumption, bringing in, and/or possession of alcohol in specified public places (alcohol control areas) either generally or for limited periods such as during a holiday period.

By resolution under section 147B of the Act the Council can designate specific public places as alcohol control areas where alcohol bans apply. These resolutions are permitted under section 151(2) of the Act.

NB. Council does not enforce the Bylaw – under sections 169 and 170 of the Act this is the role of the Police.

#### 3.4.2 Supporting the Police to enforce the Bylaw

Council supports the Police in several ways, such as:

- conducting research to understand the level of crime or disorder caused or made worse by alcohol consumption in the district in order to establish alcohol control areas
- by resolution, designating local areas as temporary or permanent alcohol control areas
- erecting and maintaining signs to inform the public of these alcohol control areas
- educating the public about the rules applying to alcohol control areas, for example through media releases, brochures and posters, and information on the Council website.

### 3.5 Police role relating to the consumption, bringing in, and/or possession of alcohol in public places

#### 3.5.1 Enforcing the Bylaw

Under sections 169 and 170 of the Act only constables (New Zealand Police Officers) can take enforcement action under alcohol control bylaws. Constables have powers of arrest, search and seizure under the Act and can ask someone to leave an alcohol control area and/or pour out alcohol from open alcohol container/s in their possession.

Police constables have complete discretion whether or not to enforce the Bylaw. This means constables are not obliged to enforce the Bylaw if they witness alcohol consumption in an alcohol control area which they do not consider involves actual or potential alcohol-related crime and disorder.

Under the Local Government (Alcohol Ban Breaches) Regulations 2013, constables can issue infringement notices to offenders who breach an alcohol ban with a fine of \$250.

#### 3.5.2 Summary Offences Act 1981

Alternatively, the Police can use the provisions of the Summary Offences Act to address offences associated with alcohol consumption in public places including disorderly conduct, public nuisance, and underage drinking.

While the Summary Offences Act gives police powers to address the above offences, it provides limited powers for the Police to proactively stop alcohol-related problems in these places before they start. Also, arresting and processing offenders under this Act involves more Police time and resources compared with issuing fines or warnings under local alcohol control bylaws.

### 3.6 Department of Conservation (DOC) role under the Northland Reserves Bylaw 2007

Normally activities on DOC reserves are outside Council's jurisdiction. However, given the broad definition of public places in section 147 of the Act (see section 3.3), alcohol control areas may include DOC reserves. In these cases, the Police may enforce the Bylaw on these reserves.

A possible source of confusion is DOC's Northland Reserves Bylaw 2007. Schedule 1, part 4 of this bylaw says that a DOC ranger may ask a person who is disorderly or intoxicated in a reserve to leave the reserve and surrender any alcohol in their possession. However, only three reserves<sup>7</sup> in the Far North are covered by this Bylaw, and

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<sup>7</sup> The three reserves covered by the Northland Reserves Bylaw 2007 are Maitai Bay Recreation Reserve, Rangikapiti Pa Historic Reserve, and Taumarumaru Recreation Reserve.

these reserves are not located in the current alcohol control areas in the Far North. Therefore, the Northland Reserves Bylaw has no impact on the current Alcohol Control Bylaw.

## 4 Review of the Bylaw

### 4.1 Does the problem identified in 2018 still exist?

Since controls were put in place, there has been a reduction in alcohol-related crime, disorder and harm in the alcohol control areas, as discussed in section 4.3. However, while this problem has reduced, it has not gone away. The Police, Te Whatu Ora (Ngā Tai Ora – Public Health Northland), and Council’s Environmental Health Monitoring team confirms that this problem still exists in the Far North.

This is supported by date-stamped and geo-located photographic evidence in the Far North collected by Te Whatu Ora (Ngā Tai Ora – Public Health Northland) of litter such as discarded alcohol bottles, cans, and drug-related paraphernalia, as well as graffiti and vandalism close to where this litter was photographed. These photos are described by Te Whatu Ora as evidence of ‘antisocial behaviour’.

A small sample from hundreds of recent photographs around the district illustrates this evidence:

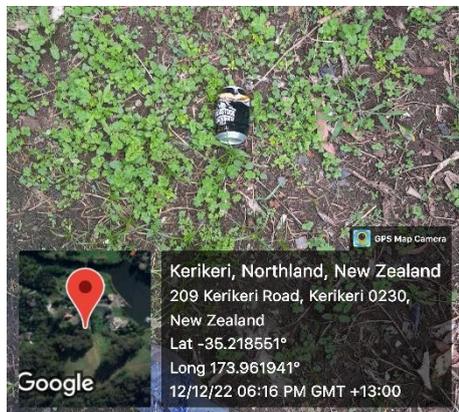
Kaitaia August 2023



Paihia January 2023



Kerikeri December 2022



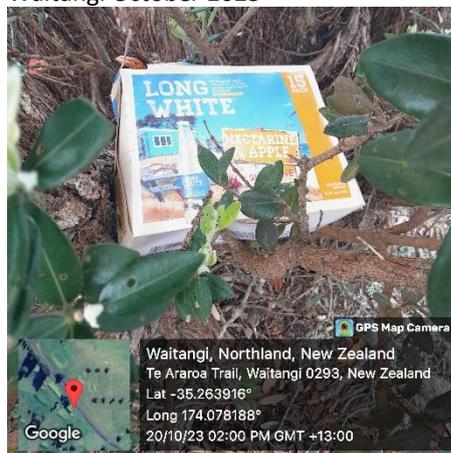
Kaikohe October 2023



Paihia January 2023



Waitangi October 2023



The heat map below shows the level of photographic evidence of antisocial behaviour collected in Paihia and the surrounding area based on over 1,400 photos. This was prepared by Te Whatu Ora for an appeal against a liquor licence being granted in Paihia.

Figure 1: Heatmap showing Evidence of Alcohol-related Antisocial Behaviour in Paihia/Haruru Falls 2023



## 4.2 Effectiveness of the Bylaw

### Sources of evidence

Feedback on the effectiveness of the Bylaw was provided by the Police (Mid/Far North Area)<sup>8</sup> and Te Whatu Ora (Ngā Tai Ora – Public Health Northland)<sup>9</sup>.

NB. Police evidence is anecdotal (as it was in 2018 when the Bylaw was made) rather than based on reports of police callouts and offenders charged etc. This is because Police actions to enforce the Bylaw often go unreported as they can be as simple as speaking to the offender/s concerned and asking them to tip out their alcohol and dispose of empty bottles/cans in a bin. Nevertheless, this evidence is grounded in the Police experience of enforcing the Bylaw and is considered high quality evidence of the effectiveness of the Bylaw.

### Feedback from the Police (Mid/Far North Area)

Feedback from early engagement with the Police is that the Bylaw is perceived to be effective in reducing alcohol-related harm for the following reasons:

- Alcohol Bans authorised by the Bylaw allow the Police to intervene early to prevent undesirable behaviours and offending
- Alcohol Ban areas deter the consumption of alcohol, which decreases disorder, fighting and other violence in these areas
- the desire to “hang around” has diminished since the control areas have been in effect, improving the safety of all members of the community
- the Alcohol Bans have reduced calls for service by the Police
- the Bylaw has assisted Police to disperse gatherings in “usual” gathering spaces in the Far North through proactive enforcement
- the continued implementation of the Bylaw provides Police with the most appropriate approach to deal with consumption of alcohol in public places in the Far North, as it gives Police the authorised tools to be flexible and use discretion.

### Feedback from Te Whatu Ora (Ngā Tai Ora – Public Health Northland)

Feedback from early engagement with Te Whatu Ora is that the Bylaw is effective, as it gives the Police enforcement powers to arrest, search and issue infringement fines. This is seen to assist with modifying behaviours and minimising the harm associated with consuming alcohol in public places.

## 4.3 Would alcohol-related crime and disorder in alcohol control areas return to pre-Bylaw levels if the Bylaw did not exist?

Under section 147A(2) of the Act, in order for Council to decide that the Bylaw should continue without amendment, Council must be satisfied that the level of crime or disorder relating to alcohol consumption that was experienced before the Bylaw was made is likely to return to the area if the Bylaw does not continue.

<sup>8</sup> [Police Feedback - Alcohol Control Area Review \(A4416661\)](#)

<sup>9</sup> [Te Whatu Ora Alcohol Bylaw FNDC Submission \(A4415944\)](#)

We have no direct experience in the district of cancelling an alcohol control area, so we don't have solid proof of alcohol-related crime and disorder returning to previous levels after the Bylaw controls no longer applied.

However, evidence was provided by the Police in 2018 for 16 of the 23 alcohol control areas, that after alcohol controls were originally put in place in the period from 2003 to 2010, the level of alcohol-related crime and disorder dropped (see the following table). We can therefore infer that the controls do have an effect and taking them away would lead to an increase in alcohol-related crime and disorder. Both the Police and Te Whatu Ora (Ngā Tai Ora – Public Health Northland) have submitted that they believe crime and disorder would return to previous levels if the Bylaw ceased to apply.

*Table 1 – 2018 evidence of reduced crime and disorder in the alcohol control areas after controls were established.*

<b>Alcohol control areas</b>	<b>Evidence of reduced crime and disorder in these areas after controls were established (comments made in 2018)</b>
1 <b>Ahipara</b>	The Bylaw allowed police to take preventative action which reduced the likelihood of violence, fighting and assaults.
2 <b>Coopers Beach Reserve</b>	The area now sees nil to little alcohol consumption and disorderly behaviour.
4 <b>Hihi</b>	A safe area for the public. Areas of risk have been identified enabling police to act if required.
7 <b>Kaitaia</b>	Alcohol-related offending has reduced.
8 <b>Kawakawa</b>	The alcohol ban has gone some way to prevent the migration of people with alcohol between licensed premises. The level of offending is not as severe, and serious injury assaults are now rare.
9 <b>Kerikeri</b>	The alcohol ban has improved both the visible wellbeing of the area and increased safety for all who use the area. The risk of violence and the need for a sustained police presence has reduced. People are less intimidated, especially at night. Serious injury assaults are now rare.
11 <b>Lily Pond</b>	Minimal calls to the police. The level of violence and harm is now reduced to be non-existent. The ban has a deterrent effect. There is no evidence of littering, and the area has a visibly safer feel.
12 <b>Moerewa</b>	The prevalence of alcohol consumption in public has reduced. The level of offending is not severe and serious and injury assaults are now rare.
14 <b>Omapere</b>	There is not the same mass blatant drinking in carparks and public areas.
15 <b>Opononi</b>	There is not the same mass blatant drinking in carparks and public areas.
16 <b>Paihia</b>	The attraction to 'hang around' in town and look for trouble has reduced. The liquor ban has helped control the migration of people with alcohol between licenced premises. The level of offending is not so severe and serious assaults are less frequent. Police are not required to patrol the CBD area with as much focus (activity has shifted to the Kings Road/Marsden Road area). Paihia is greatly improved as a place for entertainment.
18 <b>Rawene</b>	There is not the same mass blatant drinking in carparks and public areas. The community feels safer.
19 <b>Russell</b>	Reports of fights, assaults and property damage are the exception. There is a general improved perception of public safety.
20 <b>Taipa</b>	Currently the area is subject to little or no violence with minimal consumption of alcohol in the control area.
21 <b>Taupo Bay</b>	Reports of fights, assaults and property damage are the exception. The requirement for the area to have a significant police presence has diminished. The environment is safer for all in the area.
23 <b>Waipapa</b>	A reduction in alcohol related offending. Rarely do police encounter people breaching the Bylaw.

#### 4.4 Reviewing the alcohol control areas

It is proposed to review the alcohol control areas covered by the Bylaw separately from the Bylaw review in 2024, as more evidence is required to review these areas.

The alcohol control areas have not been reviewed since 2018, and early engagement indicates that review of the current alcohol control areas is necessary:

- the Police have noted that high levels of alcohol-related crime and disorder is occurring in some areas outside the current 23 alcohol control areas: for example, in Paihia on streets adjacent to the current control area and on the beach and lookout area
- Council's Environmental Health Compliance team has suggested new areas could be declared as alcohol control areas, such as Awanui, Cable Bay, Mangonui and Ohaewai subject to collecting evidence of alcohol-related crime and disorder in these areas
- photographic evidence collected by Te Whatu Ora (Ngā Tai Ora – Public Health Northland) has pinpointed problem areas outside the current alcohol control areas including service lanes and local playgrounds adjacent to supermarkets.

NB. While this early feedback suggests a need to extend the current areas, this is not a given. Indeed, elected members may decide that some areas should no longer be classified as alcohol control areas; or their geographical boundaries and/or operational times should be reduced.

As the resolutions making the alcohol areas are separate from the Bylaw itself, it is not necessary to review these resolutions (and the alcohol control areas they refer to) in the review of the Bylaw.

The Police are willing to provide area-specific evidence to assist this review while Te Whatu Ora (Ngā Tai Ora – Public Health Northland) has indicated it is willing to gather further photographic evidence of alcohol consumption in public places. In addition, the Community Boards will be approached to provide local insights and evidence.

If the decision is made to continue the Bylaw, the next statutory review will be in ten years' time in 2033. However, regular reviews of the alcohol control areas, outside of a Bylaw review, would ideally occur during this ten-year period to ensure that the controls in place reflect the places and times that alcohol-related crime and disorder is occurring in public places in the district.

## 5 Other possible methods (beside a bylaw) for the Council to address alcohol-related harm in public places

Besides having an alcohol control bylaw, Council can address problems relating to alcohol-related harm in public places, through:

- **public awareness campaigns** to educate residents about the negative consequences of alcohol abuse and the importance of responsible drinking. These campaigns can also inform people about the laws and regulations related to alcohol
- **programmes aimed at educating young people** about the risks of alcohol abuse and promoting responsible behaviour. This can include school-based initiatives and community outreach
- **responsible alcohol retailing programmes**, including training staff to recognize and address overconsumption and underage sales
- **developing a Local Alcohol Policy (LAP)**. Recent amendments to the Sale and Supply of Alcohol Act 2012 provide greater opportunities for local communities to decide how, when and where alcohol is sold in their own neighbourhoods and less ability for the alcohol industry to appeal against and delay LAPs.

The above approaches can support agencies such as the Police and Te Whatu Ora to address alcohol-related harm. However, these approaches do not replace the need for an Alcohol Control Bylaw which provides for alcohol controls in specified areas and gives the police discretionary powers beyond the Summary Offences Act 1981. In the opinion of Te Whatu Ora (Ngā Tai Ora – Public Health Northland), "*The Alcohol Control Bylaw*

provides enforcement powers to the police, including arrest, search, and seizure which is ... necessary to assist with modifying behaviours and minimising harm associated with alcohol in public places”.

### 5.1 Is the Bylaw certain?

In determining if a bylaw is the appropriate form of bylaw, the bylaw needs to be certain e.g., it uses clear wording so people will understand what they are required to do.

The Bylaw is certain as its language is clear and it follows modern plain English legal drafting standards (as advocated by the Parliamentary Counsel Office), meaning the Bylaw is readily understandable by the public.

## 6 Discussion

### 6.1 Is a bylaw the most appropriate way to address problems relating to alcohol in public places in the district?

From the above evidence, an alcohol control bylaw is the most appropriate way to address problems relating to the consumption, bringing in, and/or possessing alcohol in public places in the Far North District for the following reasons:

- **to address public safety** – alcohol bans in public places can enhance public safety by reducing the likelihood of public intoxication, violence, and accidents caused by alcohol impairment. This makes public spaces more inviting and secure for local communities
- **to target problem areas** – an alcohol control bylaw can apply alcohol bans in specific targeted alcohol control areas where and when a high level of alcohol-related crime and disorder is known to have taken place in the past. The Bylaw is appropriate as it does not apply a ‘blanket ban’ on alcohol consumption throughout the district. Case law (*New Zealand Motor Caravan Association v. Marlborough District Council 2021*) has established that such ‘blanket bans’ in a bylaw are disproportionate and unreasonable.
- **to prevent problems escalating** – an alcohol control bylaw enables the police to act early to prevent alcohol-related problems escalating in public places
- **a quick and instant tool for the police** – an alcohol control bylaw gives the police enforcement powers that are more instant and less time-consuming to apply than other options such as charging offenders under the Summary Offences Act 1981
- **a discretionary tool** – police have discretion to ignore the consumption of alcohol in public places, for example, if this is not associated with actual or potential crime and disorder. They can match their response to the seriousness of the situation, from issuing a warning at one end of the scale to arresting offenders at the other end.

### 6.2 Is the Bylaw the most appropriate form of bylaw?

The questions and answers below determine whether the Bylaw has the most appropriate form...

#### 1. Does the Bylaw deal with the identified problems?

The Bylaw deals with identified crime and public disorder problems relating to the consumption, bringing in, and/or possession of alcohol in specific public places in the district (see sections 4.1 and 4.2 of this report).

#### 2. Does the Bylaw deal with the objective it is intended to achieve?

The Bylaw meets its objective to provide for the prohibition and control of the consumption or possession of alcohol in public places (including vehicles in public places) to reduce alcohol related harm.

#### 3. Is the Bylaw certain?

As discussed in section 5.1, the form of the Bylaw is certain.

#### 4. Is the Bylaw enforceable?

Under sections 169 and 170 of the Act, the Police have a range of powers to enforce the Bylaw including the ability to:

- search peoples’ vehicles, bags and packages etc.

- seize and remove any alcohol
- ask offenders to leave an alcohol control area
- arrest those who commit offences or refuse to comply with police requests.

5. Can the Bylaw be implemented and administered effectively and efficiently?

Council staff report that effective and efficient administration of the Bylaw is already in place. For instance, annual patrols of the alcohol control areas are conducted resulting in vandalised or weathered signage being replaced. Active implementation and administration ensures the public is aware of the alcohol control areas and assists Police with enforcement of the Bylaw.

Administration of the Bylaw by the Police is effective and efficient as:

- Police constables have discretion to apply or not apply the Bylaw provisions as they see fit
- the Bylaw authorises the Police to take direct, practical actions to avoid the escalation of problems such as searching for and seizing alcohol containers, pouring out the contents of open cans and bottles and asking offenders to leave an alcohol control area
- constables can immediately issue an infringement fee for someone who breaches an alcohol ban
- these actions involve less police time and resources compared with charging offenders under the Summary Offences Act 1981.

6. Does the Bylaw consider the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga?

The Bylaw does not consider the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga as it does not “significantly affect land or a body of water” as covered by section 60A of the Act.

7. Does the Bylaw comply with all relevant laws and legislation?

The Bylaw complies with all relevant legislation; in particular, provisions in the Local Government Act 2002 (see section 3.4.1) and the Bill of Rights Act 1990 (see section 6.3).

8. Do the benefits of the Bylaw outweigh its costs?

Key benefits of the Bylaw are as follows:

**For the community**

- Making public places safer for the public to use and feel more attractive for both residents and tourists
- Reducing public health risks e.g. from offenders fighting and/or driving while intoxicated and from injuries to the public caused by discarded broken bottles
- Avoiding property damage and vandalism

**For Council**

- Having a regulatory instrument to help reduce alcohol-related harm in local communities

**For the Police**

- Having a regulatory instrument which is more flexible, less time-consuming and easier to apply compared with charging offenders under the Summary Offences Act 1981
- Having a means to prevent alcohol-related crime and disorder before it escalates.

Main costs of the Bylaw (in a broad sense) include:

**For the community**

- Limiting people’s freedoms under the Bill of Rights Act 1980. See section 6.3 below - these limitations are considered justifiable in light of the harm than can be caused by alcohol in public places

**For Council**

- The costs of communicating the Bylaw to the public including printing signs – these costs are kept to a minimum by printing stickers which are attached to rubbish bins in the alcohol control areas
- The cost to annually inspect signs and replace any signs that are damaged
- Costs to periodically review the Bylaw (the current review is 5 years after the Bylaw was made, whereas the next review will be in 10 years, assuming Council agrees that the Bylaw should continue)
- Costs to review and revise the alcohol control areas authorised by the Bylaw

### For the Police

- The time and resources to enforce the Bylaw. As discussed, enforcing the Bylaw is less time-consuming for the Police than using other avenues such as charging offenders under the Summary Offences Act 1981. As Police action is discretionary this avoids wasting police time if people are consuming alcohol in public in a peaceful manner.

Overall, Council staff consider that the benefits of the Bylaw far outweigh its costs.

### In summary

Answers to the eight questions above indicate that the Bylaw is the most appropriate form of bylaw.

### 6.3 Does the Bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

The Bill of Rights Act 1990 (BORA) protects the human rights and fundamental freedoms of all people in New Zealand. The relevant rights that may be affected by enforcing the Bylaw are the rights to:

- freedom of peaceful assembly
- freedom of movement
- be secure against unreasonable search or seizure.

The Bylaw does not restrict people's rights to assemble in, or move around, the district, or be secure against being searched, unless they are drinking or carrying open containers of alcohol (either in person or in their vehicles) in designated alcohol control areas. The limits on these rights in the Bylaw are justifiable under section 5 of BORA as reasonable limits in a free and democratic society.

NB. If Council resolves that the Bylaw should be amended, a further assessment of BORA implications would be made for the revised Bylaw.

### 6.4 Is the level of alcohol-related crime or disorder experienced before the Bylaw was made likely to return to the area if the Bylaw does not continue?

This question is discussed in section 4.3. Feedback from the Police (Mid/Far North Area) and Te Whatu Ora (Te Tai Tokerau / Northern Region) is that the level of alcohol-related crime or disorder experienced before the Bylaw was made is likely to return to alcohol control areas in the Far North if the Bylaw discontinues.

The Police said, "[We] support that the 23 areas included in the Alcohol Control Bylaw remain, as the removal or reduction of them would see an increase in undesirable behaviours, such as, fighting, disorder and harm to persons and property".

Te Whatu Ora said, "Without an alcohol control bylaw in place the levels of alcohol related crime would increase along with harm associated with it".

## 7 Conclusions

1. An alcohol control bylaw is the most appropriate way to address the problems associated with alcohol in public places in the Far North where high levels of alcohol-related crime and disorder have occurred
2. The Bylaw has the most appropriate form, meaning the Bylaw could continue without amendment
3. The limitations on people's rights that are associated with enforcing the Bylaw are justified as reasonable limits
4. Council staff are satisfied that without the Bylaw, alcohol-related harm would return to the levels previously observed in the alcohol control areas in the district.