

# Proposal to Continue the Alcohol Control Bylaw

## 1. Context

The Alcohol Control Bylaw (the Bylaw) was made on 13 December 2018 under section 147 of the Local Government Act 2002.

Section 158 of the Local Government Act 2002 requires the Bylaw to be reviewed by 13 December 2023.

The review found that the Bylaw is effective at addressing the problems of crime and disorder associated with the consumption, bringing in and possession of alcohol in public places in the Far North District.

Following the review, on 16 November 2023 the Council determined that:

- a bylaw is the most appropriate way of addressing the problems associated with alcohol in public places
- the Bylaw is the most appropriate form of bylaw
- without the Bylaw, crime and disorder relating to the consumption of alcohol in public places is likely to return to the levels experienced before the Bylaw was made
- the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

## 2. Reason for the proposal

The proposal is to continue the Alcohol Control Bylaw 2018 without amendment.

Under section 156 of the Local Government Act 2002, Far North District Council must now consult with the public on continuing the Bylaw. **NB. This consultation does not ask about the alcohol control areas established by the Bylaw. Further consultation is planned in 2024 to review these areas.**

## 3. How the Alcohol Control Bylaw works

The Bylaw allows the Council to establish alcohol control areas in designated public places throughout the Far North District. Alcohol bans apply within these areas to control the consumption, bringing in and possession of alcohol. The Bylaw does not apply to licensed premises or private residences.

Currently there are 23 alcohol control areas in the district where alcohol bans apply (either all year round or during the Christmas holiday period): Ahipara, Coopers Beach Reserve, Haruru Falls, Hihi, Kaeo, Kaikohe, Kaitaia, Kawakawa, Kerikeri, Kohukohu, Lily Pond, Moerewa, Okaihau, Omapere, Opononi, Paihia, Pukenui, Rawene, Russell, Taipa, Taupo Bay, Tokerau Beach, and Waipapa.

The Bylaw is enforced by the Police. Within the alcohol control areas, Police have the power to:

- search peoples' vehicles, bags and packages for alcohol
- seize and remove any alcohol
- ask offenders to leave an alcohol control area
- issue infringement notices to offenders with a fine of \$250

- arrest those who commit offences or refuse to comply with police requests.

The Police have complete discretion to enforce the Bylaw - they are not obliged to act if they witness alcohol consumption which they do not consider involves actual or potential alcohol-related crime and disorder.

#### 4. Analysis of the reasonably practicable options

In the Council meeting on 16 November 2023, the Council considered two Options for the Alcohol Control Bylaw:

Options	Advantages	Disadvantages
<p><b>Option One: Do nothing – let the Bylaw lapse in December 2025</b></p> <p>The Bylaw review date of 13 December will be missed. The Bylaw will still apply for two more years and will then revoke (cease to apply) on 13 December 2025.</p>	<ul style="list-style-type: none"> <li>• no costs involved for community consultation and implementation</li> <li>• until 13 December 2025, when the Bylaw will revoke, the Bylaw will:               <ul style="list-style-type: none"> <li>○ address serious problems relating to crime and disorder and incidents of harm associated with alcohol in public places</li> <li>○ support the community outcome of ‘Communities that are healthy, safe, connected and sustainable’</li> <li>○ target areas where high levels of alcohol-related crime and disorder have occurred</li> <li>○ provide the Police with enforcement powers to prevent alcohol-related problems escalating, that are quick and instant to apply, that are discretionary, that are less time consuming and easier to apply than charging offenders under the Summary Offences Act 1981</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• after 13 December 2025 the Bylaw will no longer apply:               <ul style="list-style-type: none"> <li>○ the alcohol control areas in the district will lapse</li> <li>○ the community outcome of healthy, safe, connected, and sustainable communities will not be supported</li> <li>○ the Police will not be able to readily act to prevent alcohol-related problems before they escalate; they will not have quick and instant powers to deal with these problems; and their discretion to act (or not act) will be reduced</li> <li>○ levels of crime and disorder due to alcohol consumption are likely to return to levels before the Bylaw applied</li> <li>○ the expectations of key stakeholders, such as the Police and Te Whatu Ora (Ngā Tai Ora – Public Health Northland) to have an effective regulatory tool, will not be met</li> <li>○ given the benefits of the Bylaw, staff resources and time may be required to make a new Bylaw before the current Bylaw revokes</li> <li>○ the public may question the decision to revoke the Bylaw, as the review indicates it is an effective regulatory tool.</li> </ul> </li> </ul>

<p><b>Option Two: The Bylaw continues without amendment (recommended Option)</b> The Bylaw will continue as is.</p>	<ul style="list-style-type: none"> <li>• the Bylaw addresses serious problems relating to crime, disorder and incidents of harm associated with alcohol in public places</li> <li>• it supports the community outcome of 'Communities that are healthy, safe, connected and sustainable'</li> <li>• it targets areas where high levels of alcohol-related crime and disorder have occurred</li> <li>• it provides the Police with enforcement powers to prevent alcohol-related problems escalating, that are quick and instant to apply, that are discretionary, that are less time consuming and easier to apply than charging offenders under the Summary Offences Act 1981</li> <li>• continuing the Bylaw is strongly supported by the Police and Te Whatu Ora (Ngā Tai Ora – Public Health Northland)</li> <li>• the Bylaw will not need to be reviewed again until December 2033.</li> </ul>	<ul style="list-style-type: none"> <li>• the costs involved for community consultation and implementation (minimal)</li> </ul>
---	---	--

Council determined that Option 2: The Bylaw continues without amendment was the most appropriate option.

## 5. How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the Alcohol Control Bylaw to present their views on the proposal by making a submission.

The period for making submissions is from 20 November to 18 December 2023.

Submissions can be made using any of the following methods:

- online at the Council's website [www.fndc.govt.nz/have-your-say](http://www.fndc.govt.nz/have-your-say)
- emailing your submission to [submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)
- dropping off your submission at any Council service centre or library. Details of their locations and opening times are listed at [www.fndc.govt.nz/contact](http://www.fndc.govt.nz/contact) or by phoning the Council on 0800 920 029
- posting your submission to: Policy and Bylaws Team, Far North District Council, Private Bag 752, Kaikohe 0440
- making an oral presentation of your submission at a meeting of the Council's governing body.

Please include your full name and email or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted later about when and where this will take place.

### Privacy statement

Any submissions that are made on this proposal become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, are copied and made available to the Council's governing body as well as the public. Any personal information included with a submission, such as your name, is treated as part of the submission and may also be released publicly. Your submission and any personal information that you supply, such as your name, will not be treated as confidential unless you specifically request this in your submission.

## 6. Viewing the Bylaw

The Bylaw can be accessed online at the Council's website: [Alcohol Control Bylaw 2018](#). Alternatively, you can request a printed copy of the Bylaw at any Council Service Centre.

NB. The Bylaw has two sections:

1. **The body of the Bylaw** (pages 1 to 4) – this is the subject of consultation to continue the Bylaw without amendment
2. **Additional Information** (page 5 onward) – **this section is not part of the Bylaw and is not the subject of consultation.**