

Alcohol Control Bylaw Hearing

of the

Thames-Coromandel District Council

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| Date | 28 August 2018 |
| Time | 09:00 |
| Venue | Council Chamber 515 Mackay Street Thames |

Members

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| Mayor | SA Goudie | |
| Members | HD Bartley SL Christie MK McLean JP GR Simpson | PA Brljevich LA Fox S Peters TM Walker |

In Attendance

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| Community Board Chairpersons | D Connors P Kelly JP B Renton | K Coulam P Pritchard JP |
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Rob Williams
CHIEF EXECUTIVE

Members of Council

| | | | |
|---|---|---|---|
|  | <p>Mayor Sandra Goudie 0274 312 442 07 868 0200 sandra.goudie@tcdc.govt.nz</p> |  | <p>Deputy Mayor Tony Brljevic Coromandel-Colville Ward 07 866 7731 021 126 4202 tb777@xtra.co.nz</p> |
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| Mercury Bay Ward | | | |
|  | <p>Tony Fox 07 866 4836 027 497 0705 tony.fox@extranet.tcdc.govt.nz</p> |  | <p>Murray McLean JP 07 866 4158 027 457 0855 murray.mclean@extranet.tcdc.govt.nz</p> |

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| Thames Ward | | | |
|  | <p>Sally Christie 07 868 8118 027 286 4727 sally.christie@extranet.tcdc.govt.nz</p> |  | <p>Strat Peters 07 868 9975 strat.peters@extranet.tcdc.govt.nz</p> |

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| Thames Ward | | | |
|  | <p>Rex Simpson 021 123 4621 rex.simpson@extranet.tcdc.govt.nz</p> | | |

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| South Eastern Ward | | | |
|  | <p>Terry Walker 07 865 6266 021 536 580 terry.walker@extranet.tcdc.govt.nz</p> |  | <p>Jan Bartley 07 865 8832 jan.bartley@extranet.tcdc.govt.nz</p> |

Full Council order paper and appendices are available on the TCDC website:
www.tcdc.govt.nz/CouncilAgendas

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| 2.1 | Hearing of submissions to the proposed Alcohol Control Bylaw | 5 |

1 Meeting conduct

In accordance with the Local Authorities (Members' Interests) Act 1968, members are reminded to declare an interest in items in which they have a direct or indirect pecuniary interest. In such circumstances, members are required to abstain from discussion and voting and ensure that the declaration is recorded in the Minutes of the meeting.

1.1 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Thames-Coromandel District Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Conflict of interest

The Chairperson invites notice from members of:

1. Any interests that may create a conflict with their role as an elected member relating to the agenda item(s) for the meeting; and
2. Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

2 Hearing of submissions to the proposed Alcohol Control Bylaw

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|----------------|---|
| TO | Thames-Coromandel District Council |
| FROM | Michelle Clive - Strategic Planner |
| DATE | 20 August 2018 |
| SUBJECT | Hearing of submissions to the proposed Alcohol Control Bylaw |

1 Purpose of report

The purpose of this report is to present the submissions received to the proposed Alcohol Control Bylaw public consultation. The purpose of the hearing is to give submitters an opportunity to present their submission verbally and answer any questions from the elected members.

2 Background

At its meeting on 26 June 2018 Council adopted the proposed Alcohol Control Bylaw for public consultation. The proposed bylaw was open for public feedback from 29 June to 30 July 2018.

During the consultation period the opportunity to make a submission was advertised on Council's website and through media including in radio news bulletins, newspaper, e-newsletters and social media.

Scope of proposed bylaw

The proposed bylaw focuses on permanent bans and seasonal bans separately. Permanent bans (24 hours a day, 365 days a year) are proposed for all town centre areas which have both on-licence and off-licence premises. These areas are narrowly defined around the commercial area of the town centre to best focus on crime and disorder in busy areas where alcohol is readily available for purchase and have premises for consumption. This retains existing permanent bans in Thames, Coromandel and Whitianga and will introduce permanent bans in Matarangi, Cooks Beach, Hahei, Tairua, Pauanui and Whangamata. Permanent bans are being removed from Long Bay and Oamaru Bay.

Seasonal bans are set around the peak summer period and associated visitor and non-resident ratepayer influx. These bans are currently haphazard around the district and Council has tried to achieve consistency for the district's east coast settlements with the view that inconsistent bans between these settlements will influence where visitors stay and potentially shift problems from one area to another. Council has also tried to make the necessary restrictions on people's ability to consume alcohol in a public place as reasonable as possible, by reducing the areas covered by these seasonal bans to beaches and adjoining reserves and to apply them only between the hours of 7pm and 7am, from 20 December to 9 February. This timeframe covers the key visitor period including New Year, Auckland Anniversary and Waitangi Day.

As a result, the scope of seasonal bans is proposed to be reduced in all areas they currently apply with smaller areas covered by the ban, and reduced dates and times (the previous dates ranged from 23 December to 6 January but there were also bans on Auckland Anniversary, Easter, Queens Birthday and Labour Weekends). Council considered that this is an appropriate level of alcohol control to give Police an effective tool to manage and

prevent alcohol related crime in a public place while not unreasonably restricting people's ability to consume alcohol in a public place. The Council considered that the proposed bylaw is consistent with the intention of section 147 of the LGA.

No event based bans are being provided for in the proposed bylaw, as the dates and time of events change. Instead, alcohol bans for an area where events are to be held can be set by Council resolution as a temporary ban where deemed appropriate.

The statement of proposal, which includes the proposed bylaw, is provided as **Attachment A**.

3 Issue

At the time of writing this report 17 submitters to the proposed Alcohol Control Bylaw consultation have indicated that they wish to present their submissions verbally to the Council.

4 Discussion

Council received 108 submissions to the proposed bylaw which are contained in the hearing pack **Attachment B** - this is ordered by page number and submission ID. The hearing pack was loaded to the website and Extranet three weeks prior to the hearing to allow the maximum reading time.

A schedule of submitters wishing to speak is provided as **Attachment C** please note that this is subject to change.

5 Suggested resolution(s)

That the Thames-Coromandel District Council:

1. Receives the 'Hearing of submissions to the proposed Alcohol Control Bylaw' report dated 6 August 2018.
2. Receives the submissions made to the proposed Alcohol Control Bylaw.

References-Tabled/Agenda Attachments

Attachment A *Statement of proposal - proposed Alcohol Control Bylaw*

Attachment B *Hearing Pack - Submissions to the proposed Alcohol Control Bylaw - distributed separately and earlier than agenda*

Attachment C *Schedule of submitters*



Thames-Coromandel District Council Proposed Alcohol Control Bylaw Te Ture a Rohe Whakamarama Waipiro

Statement of Proposal

The Thames-Coromandel District Council has developed a new bylaw to reduce the instance of crime and disorder related to alcohol consumption by controlling where and when people can possess or consume alcohol in public places. This document explains the proposed bans and includes the proposed bylaw in full. It also tells you how you can give us feedback.

About the bylaw

The Local Government Act 2002 allows for Council's to create alcohol control bylaws. In December 2013 there was an amendment to the Act which meant all alcohol control bylaws must be reviewed under the new legislation by December 2018, otherwise the existing bans would lapse.

The most important change in the legislation is a greater responsibility on councils to justify the alcohol ban. A ban must be a reasonable limitation on rights and freedoms and there must be evidence of a high level of crime or disorder that was caused by alcohol consumption. Previously councils only had to prove alcohol would be present in a public place on a specified day and that it was likely to lead to disorder or offensive behaviour, fighting or assault.

The proposed bylaw considers the changes to legislation alongside the requirements of the district particularly over the peak summer periods to ensure we limit instances of crime and disorder related to alcohol consumption.

This statement of proposal has been prepared in accordance with the requirements set out in section 83 of the Local Government Act 2002.

The Council's proposal

Reasons for the Bylaw

Communities need to be able to limit the instances of crime and disorder related to alcohol consumption to provide safe public places for those within the district.

Council has considered the proposed Alcohol Control Bylaw included with this Statement of Proposal and has determined that:

- A bylaw is the most appropriate way limiting crime and disorder related to alcohol consumption within the district.
- The proposed bylaw is the most appropriate form of bylaw for the purposes of consultation
- It is acknowledged that the proposed bylaw may have implications under the New Zealand Bill of Rights Act 1990 however Council has determined that any infringement of these rights are justified in managing the safety and wellbeing of those within the district.

Purpose of the Bylaw

The bylaw aims to reduce the incidents of crime or disorder related to alcohol consumption by controlling where and when people can possess or consume alcohol in public places. This bylaw is made under the authority of the Local Government Act 2002 and applies to any public places within the district of Thames-Coromandel District Council as specified in Schedule one.

The proposed bylaw

The proposed bylaw focuses on permanent bans and seasonal bans separately. Permanent bans (24 hours a day, 365 days a year) are proposed for all town centre areas which have both on-licence and off-licence premises. These areas are narrowly defined around the commercial area of the town centre to best focus on crime and disorder in busy areas where alcohol is readily available for purchase and have premises for consumption. This retains existing permanent bans in Thames, Coromandel and Whitianga and will introduce permanent bans in Matarangi, Cooks Beach, Hahei, Tairua, Pauanui and Whangamata. Permanent bans are being removed from Long Bay and Oamaru Bay.

Seasonal bans are set around the peak summer period and associated visitor and non-resident ratepayer influx. These bans are currently haphazard around the district. The bylaw proposal tries to achieve consistency for the district's east coast settlements with the view that inconsistent bans between these settlements will influence where visitors stay and potentially shift problems from one area to another. The proposed bylaw also tries to make the necessary restrictions on peoples' ability to consume alcohol in a public place as reasonable as possible, by reducing the areas covered by these seasonal bans to beaches and adjoining reserves and to apply them only between the hours of 7pm and 7am, from 20 December to 9 February. This timeframe covers the key visitor period including New Year, Auckland Anniversary and Waitangi Day.

As a result, the scope of seasonal bans is proposed to be reduced in all areas they currently apply with smaller areas covered by the ban, and reduced dates and times.

No event based bans are being provided for in the proposed bylaw, as the dates and time of events change. Instead, alcohol bans for an area where events are to be held can be set by Council resolution as a temporary ban where deemed appropriate.

Elements of the bylaw

Permanent alcohol bans

Schedule One of the bylaw sets out areas proposed to be subject to a permanent alcohol ban. These include:

- 24 hours a day, seven days a week, 365 days a year, in town centres (as defined in the maps in schedule one)
- East Coast beach bans from 7pm to 7am over the peak summer period 20 December - 9 February (as defined in the maps in schedule one)

Exemptions

Exemptions to alcohol ban areas are provided for in the following instances:

- By the Chief Executive upon written application
- Self-contained vehicles (defined with the bylaw) when they meet the criteria and parked within designated freedom camping areas.

Special licenses

This provides for events to be held in an alcohol ban area when a special licence has been issued.

Amending alcohol bans

Allows Council by resolution to amend the place, dates and times of an alcohol ban in accordance with the Local Government Act 2002.

Signs

Allows Council to display signs informing the public of an alcohol ban area. However the absence of a sign or signs is not a defence to a breach of the bylaw.

Offences and penalties

This sets that anyone not complying with the provisions of the bylaw has committed an offence. It also outlines the maximum infringement fines under the Local Government Act.

Have your say

The consultation period for the bylaw will begin on 29 June 2018 and conclude at 4pm on 30 July 2018.

This is your opportunity to let the Council know what you think of the proposed Alcohol Control Bylaw. There are many different ways for you to tell us what you think.

You can:

- read the bylaw and submit using our online consultation portal at www.haveyoursay-tcdc.objective.com ;
- email us at consultation@tcdc.govt.nz ;
- fax us on (07) 868 0234;
- complete a submission form and post it to us at Thames-Coromandel District Council, Private Bag, Thames 3540; or
- drop your submission form into the area offices in Thames, Coromandel, Whitianga or Whangamata.

Submission forms and hard copies of the statement of proposal and the proposed bylaw are available at all our area offices and libraries.

If you have any questions about this proposal or about how to make a submission, please contact us on 07 868 0200 or email customer.services@tcdc.govt.nz .

Hearings

Please tell us if you would like to attend a hearing to speak to Council in support of your submission, and include a telephone number and email address to ensure we can contact you to arrange a time for your presentation. Hearings will be held in Thames on 28 August 2018.

What happens next?

After the hearings, Council will consider all the submissions received and make decisions on any amendments to the bylaw as a result. As a submitter you will be notified of Council's decision. Council will consider a final Alcohol Control Bylaw for adoption on 30 October 2018.

Remember, you have until 4pm on Monday 30 July to send us your feedback.

Attachment C

| Date of Meeting | Sub Number | Name | Page Number |
|------------------------|--|--|----------------------------|
| 9.00-9.30 | AC18-46 | Cushla Jarvis | 70 |
| | AC18-57 | Barry Sapwell | 86 |
| | AC18-109 | | 165 |
| | AC18-65 | Noeline Lee | 96 |
| | AC18-73 | Peter and Anne Dawson | 105 |
| | AC18-74 | Melissa Connors | 106 |
| 9.30-10.00 | AC18-68 | Brian Grant | 100 |
| | AC18-89 | Lindsay Sattler | 125 |
| | AC18-106 | Jane Mowbray | 161 |
| | AC18-108 | Jeremy and Diane Whelan | 163 |
| 10.00-10.30 | AC18-104 | James Imlach on behalf of New Zealand Motor Caravan Association Inc. | 143 |
| | AC18-97 | William Ross | 135 |
| | AC18-43 | John Fryer | 66 |
| | AC18-28 | John Kelly on behalf of New Zealand Police | 41 and separate attachment |
| | AC18-52 | Ken Coulam on behalf of Whangamata Community Board | 78 |
| | AC18-60 | Bob Renton on behalf of Tairua Pauanui Community Board | 90 |
| 10.30-10.45 | Morning tea meeting will adjourn for Infrastructure meeting | | |
| 1.30-2.00 | AC18-76 | Garry Gotlieb | 109 |