

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). Council proposes the changes in the draft bylaw will come into effect in September 2023.

ATTACHMENT 1 – Information and evidence supporting the proposed alcohol bans

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.

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.

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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:

- 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.

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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 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.

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

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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).

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Attachment 1: Information and evidence to support proposed alcohol bans

- 8pm – 8am Queenstown, year round

Police submission to 2018 bylaw review

- “When patrolling, Police receive frequent complaints about groups of people upsetting others as a result of those groups consuming alcohol to excess at the beach, particularly in the summertime and during both the day and the evening. There are also similar complaints about the mess that is left behind and the complainant's often express disgust.”

Photos from Police 2018 submission relating to 8pm – 8am alcohol ban:



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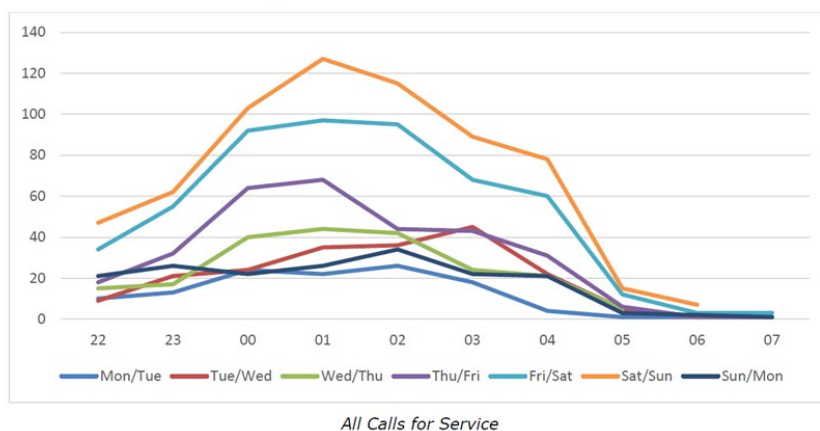
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Calls for Police service

- Data from November 2019 (most recent) shows that Police calls for service in the district are highest at night¹, tapering to low demand during the day. Categories that have been filtered include: assault, disorderly conduct, driving under the influence of alcohol or other substance, drunk home, drunk custody/detox centre, exceeding the prescribed content of alcohol or other substance limit, and liquor and tobacco offences.

Chart 4 - Queenstown 2012-2016 - 2200-0700 hours



All Calls for Service

¹ www.policedata.nz (date accessed: 10 February 2023) and 2017 report from Police: Queenstown Lakes Alcohol Related Offending.

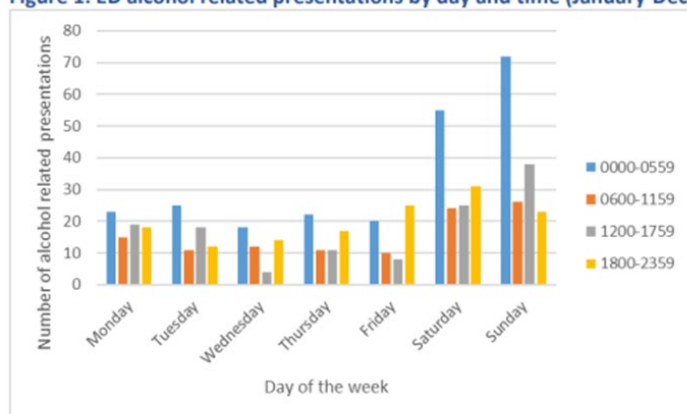
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Southern District Health Board submission to 2018 bylaw review²

- In the period covering July 2017 to June 2018 there were 503 alcohol related presentations at Lakes District Hospital, representing five percent of all Emergency Department (ED) presentations.
- Every week, an average of four people presented to Lakes District Hospital with potentially life-threatening alcohol related conditions (triage levels 2 or 3).
- In general alcohol related presentations were typically 2-3 times higher on weekends and public holidays than weekday rates.
- 55% of cases lived within the Queenstown Lakes District Council boundary; 20% were overseas residents; 15% were from other parts of NZ and 10% were from other parts of Otago and Southland.
- 38% of cases were aged between 18-24 years while 36% were aged between 25-34 years.
- Males presented twice as frequently as females.

Figure 1: ED alcohol related presentations by day and time (January-December 2019)



Note: Not appropriate to plot averages as numbers are too small

Analysis

- Alcohol related Police calls for service are not all directly due to crime and disorder from public alcohol consumption, but a portion of these are. The higher level of calls at night supports the hours of the alcohol ban in Queenstown. In the absence of an alcohol ban in public places, it is reasonable to assume that Police calls would increase.
- Timeseries data from Police show that the current bylaw is having an effect. The total Police demand for the district relating to categories linked to alcohol have steadily reduced since 2015.

² Alcohol Related Presentations to Lakes District Hospital's Emergency Department: January to December 2019. [LDH Alcohol related ED presentations 2019 report.pdf \(southernhealth.nz\)](#).

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- The vast majority of alcohol related admissions (2019) for Lakes District Hospital are between midnight and 6am. During the alcohol ban time of 8pm and 8am, Lakes District Hospital is the only provider of medical services in Queenstown. Although not all alcohol related admissions are related to alcohol consumption in public places, this data shows that alcohol related harm is a problem that is more prevalent at night. As with the level of Police calls, in the absence of an alcohol ban in public places, it is reasonable to assume that the harm occurring would increase.
- **25 and 26 December Queenstown (new alcohol ban)**

Police submission to 2018 bylaw review

- “On Christmas day (2017) a large crowd formed on the beach front having a ‘party’ with loud music, large amounts of alcohol and celebration. Police patrolled the area throughout the day and witnessed high levels of intoxication, rubbish everywhere and families walking along the waterfront path past the group.”
- “... on Christmas Day, when huge crowds gather on reserves and significant resources are engaged trying to ensure people remove alcohol before the start of the alcohol ban. Some of these people, who have been drinking in town all day, then initiate disorder and sometimes violence while trying to get into bars or when loitering around the CBD. Others end up curling up in a corner and going to sleep in a pool of vomit, vulnerable to anybody walking by.”

Photos submitted by Police from Christmas Day 2017:



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Council waste services qualitative information

- Even with a temporary alcohol ban, there was a significant amount alcohol related rubbish (bottles, cans, boxes) after Christmas Day 2022.

Analysis

- Qualitative reports and photos of crime and disorder due to alcohol consumption along the Queenstown lakefront form the key indicators of the need for this ban.
- Due to the isolated period of this proposed ban, quantitative data is not available.
- **27 December – 6 January Queenstown**

Police submission to 2018 bylaw review

- “When patrolling Police receive frequent complaints about groups of people upsetting others as a result of those groups consuming alcohol to excess at the beach, particularly in the summertime, during both the day and the evening. There are also similar complaints about the mess that is left behind and the complainant’s often express disgust.”
- “During the summer holiday period, when resources permit, most evenings Police spend considerable time reminding people of the alcohol ban and asking them to comply.”

Red Frogs³ safety response report for 29 December 2022 - 1 January 2023

QUEENSTOWN	29 th Dec	30 th Dec	31 st Dec	TOTAL
Interactions (water, care & comfort)	1780	2312	3475	7567+
Water	90L (450 cups)	146L (730 cups)	375L (1875 cups)	611L (3055 cups)
Incident response (referred onto other services)	3	4	19	26

³ Red Frogs is a support program that exists to serve and safeguard young people. They are contracted to provide services at Queenstown and Wānaka around the new year’s period to provide crowd care. This includes free water, food, a chill out ‘safe area’ and first response services. <https://redfrogs.co.nz/> (date accessed: 7 February 2023).

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Directly cared for (by Red Frogs, security, and medics)	22	10	74	106
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These are conservative numbers. Teams were not able to collect comprehensive numbers due to the volume of demand for assistance.

Qualitative information from Red Frogs (Raymond Thomson) provided January 2023

- Consumption of alcohol in ban-zones is a common observation.
- Also common to observe physical fighting and intoxication. The fact that there is a need for safe zones, means that some people do feel unsafe due to negative actions by intoxicated people.
- Red Frogs view that pre-loading (drinking before going to an event/bar) is going to occur regardless of where the boundary of an alcohol ban zone is located.

Council waste services qualitative information provided January 2023

- Alcohol related rubbish continues to increase from Christmas Day, tapering off approximately 6 January.
- Council put one of the largest size rubbish skip available near the lakefront in both Queenstown and Wānaka, and these were filled with predominantly alcohol related rubbish during the four-day period between 30 December and 2 January.

Analysis

- Qualitative reports and photos of crime and disorder due to alcohol consumption along the Queenstown lakefront form the key indicators of the need for this ban.
- Timeseries data from Police show that the current bylaw is having an effect. The total Police demand for the district for December and January relating to categories linked to alcohol have steadily reduced since 2015.
- **Crate Day Queenstown**

Information from the report to Council for the temporary ban for Crate Day 2017⁴:

- The 2016 Crate Day resulted in a high level of disorder shown to be made worse by alcohol consumption... The 'National Crate Day' event has been going for a number of years, but since 2015 the Police have noticed a significant uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol.
- The disorder included the congregation of large crowd of intoxicated young people during the day in the Village Green. This group engaged in foul language, littering, and caused members of the public to complain about feeling unsafe.

⁴ Report to Council 28 September 2017, 'Temporary Alcohol Ban on 2-3 December 2017' [Full Council \(qldc.govt.nz\)](https://www.qldc.govt.nz) (date accessed: 7 February 2023).

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- The increasing popularity of the Crate Day event has resulted in the Police having to arrange for extra staff and resources to be relocated to Queenstown from throughout the Otago region to maintain order during this weekend.
- During the 2016 Crate Day, a group of young people began drinking alcohol in the Queenstown Village Green from mid-morning. By early afternoon, the entire reserve was occupied with a large crowd drinking large quantities of alcohol, with crates of beer kept chilled in Horne Creek. Police describe the crowd as initially good natured, but during the afternoon Police became concerned with escalating disorder in the area, for example:
 - Participants engaging in foul language and deteriorating behaviour to the point where Police had serious concerns that violence would occur.
 - Police responded to a number of disorderly incidents with interventions such as issuing warnings and using de-escalation techniques. The Police say that they exercised restraint on this occasion and decided not to make arrests because of concerns that a strict application of the law to disorderly incidents might inflame the intoxicated crowd and lead to a wider disturbance.
 - Several members of the public approached the Police during the day and expressed concerns that they felt unsafe due to the behaviour and language of the Crate Day participants.

Photos from Crate Day 2016 (page 139 onwards of the Council agenda):



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Analysis

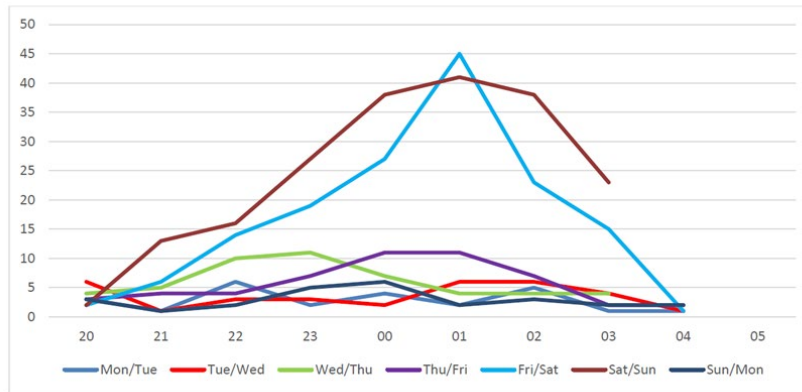
- Qualitative reports and photos of crime and disorder due to alcohol consumption in public areas in Queenstown form the key indicators of the need for this ban.
- It is reasonable to conclude that crime and disorder due to the consumption of alcohol in public places would increase in the absence of the ban for Crate Day in Queenstown.
- **8pm - 8am - Wānaka, year round**
- Data from November 2019 (most recent) shows that Police calls for service are highest at night⁵, tapering to low demand during the day. Categories included in these figures are: assault, disorderly conduct, driving under the influence of alcohol or other substance, drunk home, drunk custody/detox centre, exceeding the prescribed content of alcohol or other substance limit, and liquor and tobacco offences. Although these calls for service are not all related to crime and disorder due to public alcohol consumption, given that the global demand for Police services is low during daylight hours, this correspondingly applies to the crime and disorder contemplated by the bylaw.

⁵ www.policedata.nz (date accessed: 10 February 2023) and 2017 report from Police: Queenstown Lakes Alcohol Related Offending.

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Chart 10 – Wanaka 2012-2016 - 2000-0500 hours



All Calls for Service

Police submission to 2018 bylaw review

Fiscal Year Comparison 2009 / 2010 to 2012 / 2013 for the Wanaka area⁶

Offence	2009 / 2010	2012 / 2013	Change in offending
Total crime	793 offences	510 offences	-283
Public Place Violence	33 offences	24 offences	-9
Disorder	8 offences	49 offences	-40
Willful Damage	177 offences	100 offences	-77
Alcohol ban breach	14 offences	19 offences	+5

- Although from the fiscal year 2009 / 2010 to 2012 / 2013 there was a small increase in numbers prosecuted for breach of the alcohol ban, Wānaka Police submit that these numbers are only a small percentage of the total number of alcohol ban interventions Police made.
- If the ban were to be reduced in terms of locations, days, and hours, Police submit that the carriage and consumption of alcohol in the banned areas would increase and along with that there would be an increase in victimisation and offending.

⁶ Wanaka Police submission on the draft Alcohol Ban Bylaw 2018 (Senior Sergeant A. Grindell), May 2017.

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- Over busy weekends and in particular over New Year, Police note groups of people walking on Lakeside Road with liquor heading into the CBD. These people generally seem to be aware of the alcohol ban and tend to dispose of bottles and cans in public before heading into the ban area.

Analysis

- Alcohol related Police calls for service are not all directly due to crime and disorder from public alcohol consumption, but a portion of these are. The higher level of calls at night supports the hours of the alcohol ban in Wānaka. In the absence of an alcohol ban in public places, it is reasonable to assume that calls would increase.
- Timeseries data from Police show that the current bylaw is having an effect. The total Police demand for the district relating to categories linked to alcohol have steadily reduced since 2015.
- Qualitative reports from stakeholders and photos of crime and disorder due to alcohol consumption in central Wānaka public places are also key indicators of the need for this ban.
- **27 December – 6 January Wānaka**

Red Frogs⁷ safety response report for 29 December 2021 - 1 January 2022⁸

WĀNAKA	29 th Dec	30 th Dec	31 st Dec	TOTAL
Interactions (water, care & comfort)	1650	1860	2474	5974+
Water	124L (620 cups)	165L (825 cups)	413L (2065 cups)	664L (3320 cups)
Incident response (referred onto other services)	4	3	14	21
Directly cared for (by Red Frogs, security, and medics)	15	12	44	71

These are conservative numbers. Teams were not able to collect comprehensive numbers due to the volume of demand for assistance.

⁷ Red Frogs is a support program that have been contracted to provide services at Queenstown and Wānaka around the new year's period to provide crowd care for several years. This includes free water, food, a chill out 'safe area' and first response services. <https://redfrogs.co.nz/> (date accessed: 7 February 2023).

⁸ 2022/23 report pending.

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Qualitative information from Red Frogs (Raymond Thomson) provided January 2023

- As many people used Red Frogs services or required assistance in Wānaka as Queenstown over the New Years period, despite Wānaka's lower resident population. Red Frogs' view is that Wānaka is the more popular destination for younger people to congregate, and therefore there are proportionately more incidences of underage drinking occurring in this location, when compared to Queenstown.
- Consumption of alcohol in ban zones are a common observation.
- Red Frogs received reports of alcohol consumption occurring at Eely Point Reserve (outside of the alcohol ban zone), and people tipping out drinks when arriving at the edge of the alcohol ban zone.
- It is common to observe physical fighting and intoxication. The fact that there is a need for safe zones means that some people do feel unsafe due to the negative actions of intoxicated people.
- Red Frogs' view is that pre-loading (drinking before going to an event/bar) is going to occur regardless of where the boundary of an alcohol ban zone is located.

Qualitative information from Summit Events (Craig Gallagher)⁹ regarding New Years event period, provided January 2023

- Considers Wānaka a higher risk area for young people consuming alcohol in public places due to the attraction of the area to families for New Years. This is possibly due to more short-term visitor accommodation, that caters to families, being available.
- The New Years event requires two medics (from not requiring any previously) due to alcohol related harm and disorder occurring during this period.

Qualitative information from Council (parks services) re: waste clean-up required for public places provided January 2023

- Council put one of the largest sizes of rubbish skips available near the lakefront in both Queenstown and Wānaka, and these were filled predominantly with alcohol related rubbish during the four-day period between 30 December and 2 January.
- Observed an increase in disorder related to alcohol consumption in public places in Wānaka post-COVID-19 (i.e., broken alcohol bottles, vomit).

Analysis

- Qualitative reports from stakeholders of crime and disorder due to alcohol consumption in central Wānaka public places are key indicators of the need for this ban.
- Timeseries data from Police show that the current bylaw is having an effect. The total Police demand for the district for December and January relating to categories linked to alcohol have steadily reduced since 2015. It

⁹ Summit Events has been contracted by QLDC manage the New Year's events in Queenstown and Wānaka the last several years. <https://www.summitevents.co.nz/> (date accessed: 21 February 2023).

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is reasonable to conclude that alcohol related offending would increase in the absence of the ban for Wānaka.