

Statement of proposal

Proposed Alcohol Control Bylaw

Have your
say!



GREAT LAKE TAUPŌ
Taupō District Council

October 2018



1 Introduction

Taupō District Council has developed a new bylaw to reduce 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 prohibition areas and also tells you how you can give us feedback.

2 About the Bylaw

The Local Government Act 2002 allows for councils to create alcohol control bylaws. In December 2013 there was an amendment to the Act which meant all alcohol control bylaws must be reviewed. Existing bylaws will lapse on 18 December 2018.

The most important change in the legislation is a greater responsibility on councils to justify the alcohol prohibition. A prohibition 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 main changes proposed by the draft Alcohol Control Bylaw 2018 are:

- Amendments to the terminology to bring the bylaw into line with the Local Government (Alcohol Reform) Amendment Act 2012
- Addition of a clause to allow Council to resolve to put temporary alcohol prohibitions in place for one-off, large scale events
- Reduction in size of some alcohol prohibition areas, and
- Exclusion of lawfully parked certified self-contained vehicles (with the exception of Hipapatua Reserve).



3 Council's Proposal

Appropriateness of the Bylaw

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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. This needs to be balanced with the limitation of people's rights and freedom.

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 of 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, and
- 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 Taupō District Council as per the associated maps.

The Proposed Bylaw

The Taupō Town Centre Weekend Prohibition commences at 4pm Thursday and expires 7am Monday and includes all Public Holidays as defined in the Holidays Act 2003. The area has been reduced slightly to focus on the areas where alcohol is readily available for purchase and have premises for consumption. It also includes the lakefront and river front reserves which are popular areas adjacent to the town centre and where people tend to spill out from the town centre area.

The New Year Alcohol Prohibition commences 12 noon on 27 December and expires 7 am on 4 January every year. The prohibition covers the Taupō and Tūrangī town centres and also the lakefront reserves which are popular for gathering and socialising during this period. These prohibitions are set for the peak summer period and associated visitor and non-resident ratepayer influx. The proposed bylaw tries to make the necessary restrictions on peoples' ability to consume alcohol in a public place as reasonable as possible, and as a result many non-lakefront reserve areas which have previously been included within the prohibition areas are proposed to be removed. This is also due to a lack of evidence of alcohol-related crime and disorder in these areas.

The Mangakino town centre has a weekend prohibition from 7 pm on Friday until expires 7 am on Sunday and includes all public holidays as defined by the Holidays Act 2003. It is proposed that this prohibition remains in place.

Other issues that have arisen or changed since the adoption of the 2013 Liquor Control Bylaw include:

- Lack of provision for prohibitions for temporary large scale events, and
- Self-contained motorhomes being included with the definition of vehicles, therefore it being illegal to have a glass of wine in your campervan while freedom camping.

The issues above have resulted in the following amendments:

- Insertion of a clause for temporary large scale events, and
- Exclusion of self-contained vehicles from the alcohol prohibitions except for at Hipapatua Reserve (Reid's farm) over the New Year period.



The rationale for changes and existing alcohol prohibition areas is:

Bylaw Provision or Change	Rationale/Evidence
<p>Taupō Town Centre Weekend Alcohol Prohibition</p>	<p>In 2006, NZ Police identified that there was a growing trend of alcohol-related problems within the Taupō Central Business District (CBD). Such problems were creating an unsafe environment for the general public as well as retailers such as fast food outlets. As a result, bylaws were made by Council inline with recommendations from the Police in letters dated 15 May 2003, 22 July 2003 and 6 April 2004. The police wished to have a permanent alcohol prohibition in the recommended areas commencing 4pm on Thursday, including Friday, Saturday and Sunday, and expiring at 7am Monday and all Public Holidays. The bylaw was adopted in 2006.</p> <p>Discussion with Police indicates that the current Taupō CBD prohibition is still relevant and necessary. A reduction in the size of the prohibition is proposed due to lack of issues occurring outside the immediate town centre.</p>
<p>District New Years Prohibition (Taupō and Tūrangi Town Centres, Lakeshore areas).</p>	<p>In 2006, The TDC Public Places [New Year] Liquor Control Bylaw 2006 [Tūrangi and Taupō] was adopted at a meeting held on 17 November as Council's preferred option to achieve additional control of alcohol use over the New Year period in the designated areas of Taupō and Tūrangi/Tongariro, and from time to time specified Public Places within the boundaries of the Taupō District.</p> <p>Discussion with Police indicated the majority of the New Years schedule is still considered relevant and necessary. The prohibition centres around highly populated areas which are the town centres and lakeshore areas. People tend to congregate around the bars in the town centres and at lakeshore areas, and the New Year period is traditionally a problem time for excess alcohol consumption resulting in disorder.</p> <p>In some lakeshore settlements all public reserves in the area have previously been identified as having an alcohol prohibition (whether lakefront or not). Due to lack of evidence of issues in the non-lakeshore areas the prohibitions have been refined to include the reserves adjacent to the lakefront only.</p> <p>In Acacia Bay, parts of some lakefront reserves were identified and the busiest lakeshore area was not identified due to it being road reserve. Some additions have been made to the area in Acacia Bay to ensure the most relevant areas have an alcohol prohibition. It is also considered reasonable to identify an entire lakeside reserve rather than part of one; this ensures that the boundaries are clear and it can then be enforced more easily.</p>
<p>Mangakino town centre Weekend Prohibition period</p>	<p>A bylaw for Mangakino town centre was put in place in 2008 after community concern over anti-social behaviour and resulting crime from large groups of people gathering within the town centre and consuming alcohol (Objective Ref A716473).</p> <p>Discussion with Police and the community representative group indicated that this prohibition is still relevant and necessary.</p>
<p>Temporary, large scale events</p>	<p>Previous bylaws have not made provision for temporary alcohol prohibitions to be put in place for large scale events. Prohibitions for temporary, large scale events are the one prohibition under the Local Government Act 2002 that can be put in place without evidence as it is considered a forward-looking preventative measure.</p> <p>A Council resolution will need to be passed and notified with the area and times and dates of the temporary prohibition seven days prior to the prohibition occurring.</p>

Bylaw Provision or Change **Rationale/Evidence**

Exclusion of Self-contained vehicles

Section 147(3) of the LGA allows territorial authorities to control the presence or consumption of alcohol in vehicles. The use of the definition of vehicle from Section 2 of the Land Transport Act 1998 covers motor caravans and caravans, and any other vehicles that might be used for freedom camping.

The expanded definition of “public place” under the Alcohol Amendment Act 2012 (private places which are open to the public) means that occupants within a camper van parked legally within a freedom camping area would not be able to possess or consume alcohol in an alcohol prohibition area. In most situations this seems an unreasonable limitation of people’s rights and freedom.

Excluding self-contained vehicles from the alcohol prohibition is considered reasonable as these vehicles are designed in such a way as to allow for normal living (for example eating a meal) in ways that other vehicles are not. Identifying self-contained vehicles as per NZS 5465:2001 makes this type of vehicle easily defined and identified.

Hipapatua Reserve (Reid’s Farm) is the only place where the exclusion for self-contained vehicles is not applied. This is due to crime and disorder caused within this freedom camping area during the New Year Period as evidenced by records of multiple security and police call-outs to the area. In 2008/09 (prior to a prohibition on alcohol) there were seven callouts to Reid’s Farm during the Christmas and New Year period, including two arrests on New Year’s Eve for disorder. Six of these callouts occurred between the hours of 10.30pm and 1.30am.

Special Licenses

This provides for events to be held in an alcohol prohibition area when a special licence has been issued and is allowed for under the Act.





Otumuheke Stream (Spa Park)

Otumuheke Stream is an area where there has been ongoing tension related to alcohol consumption. Although there is no record held by Police of call-outs to alcohol related incidents at Otumuheke Stream, there is a significant amount of anecdotal evidence and some official records of issues caused by alcohol consumption at the area.

These issues include:

- Consumption of alcohol to a level of intoxication which causes offence to other visitors/families to the point where people move within, or leave, the vicinity (Visitor Solutions Report, 2016)
- Theft of bags and from vehicles – often locals preying on visitors. (Visitor Solutions Report, 2016 and Taupō Police),
- At least one near drowning. This occurred in 2009 when a local man who had been drinking attempted to swim to the opposite bank (Waikato Times, 7 August 2009),
- Rubbish, including broken glass. A large amount of rubbish (including bottles) has been removed from the bathing area by contractors during the recent redevelopment, and
- The site is recognised as having historical ancestral significance to Ngāti Tūwharetoa and the consumption of alcohol in the area is considered contrary to these values.

While the information above gives a fairly good picture that a prohibition on alcohol in the area would improve the family friendliness, health and safety and restoration of the cultural values, what is lacking is a substantial record of crime and disorder that the legislation requires. Adding this area as a permanent alcohol prohibition is being tested through the submission process and we are seeking the community's view, especially if people have examples of incidents they have experienced in the bathing area related to alcohol.




Have your say!

4 Have your say

The consultation period for the bylaw will begin on 1 October 2018 and conclude at 5pm on 2 November 2018.

This is your opportunity to let 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.taupo.govt.nz;

 Email us at alcoholcontrol@taupo.govt.nz; or

 Drop your submission form into the Taupō District Council offices at **46 Horomatangi Street**.

Copies of the statement of proposal and the proposed bylaw are available online or from our offices.

If you have any questions about this proposal or about how to make a submission, please contact Hilary Samuel on **07 376 1591** or email alcoholcontrol@taupo.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. We will assume you don't want to be heard unless you tell us you do. Hearings will be held on 19 November 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 11 December 2018.

Remember, you have until 5pm on 2 November 2018 to send us your feedback.



Gareth Green
CHIEF EXECUTIVE



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Taupō District Council