

Statement of Proposal

Control of Alcohol in Public Places Bylaw

Summary of Proposal

Hutt City Council (Council) is developing a new Control of Alcohol in Public Places Bylaw (the Bylaw). Council can use this Bylaw to establish alcohol free zones that help the Council and Police to promote and maintain public health and safety. Alcohol free zones prohibit the consumption and possession of alcohol in certain public places. Alcohol free zones can be made for temporary events or relate to specific areas where alcohol bans apply permanently.

Proposal 1: Reinstate alcohol free zones from the previous bylaw with minor adjustments to reflect changes in town centres (see Appendix 1 within the Draft Bylaw).

- AFZ 10 - Wainuiomata - Extension of the zone along the new road Te Ara Raukura.
- AFZ 12 - Central Business District - Extension along Raroa Road and further along High Street.

Proposal 2: Give the Chief Executive Officer of Hutt City Council, in consultation with the Mayor and Committee Chairs, the authority to impose temporary alcohol free zones for events under certain conditions.

How to have your say

We want your feedback on the proposed Control of Alcohol in Public Places Bylaw.

You can provide feedback in multiple ways:

- Make an online submission at hutt.city/alcohol.
- Email your submission to alcohol.feedback@huttcity.govt.nz with 'Control of Alcohol in Public Places' in the email subject line.
- Drop off a submission at the front counter at our office at 30 Laings Rd.

Timetable for consultation

The consultation is open from **26 July to 25 August 2024**.

Questions to consider

- Are there any areas where alcohol was banned in the prior bylaw that you think should be removed? Where and why?
- Are there any additional areas that alcohol should be banned? Where and why? Examples of alcohol related crime and disorder are required in making a case, please keep observations or experiences general and do not identify any individuals.
- In Wainuiomata, should we extend the proposed alcohol-free zone extension along Te Ara Raukura to include the carparks for the businesses on either side
- Do you agree that the Council Chief Executive, in consultation with the Committee Chairs and the Mayor, should have the ability to impose temporary alcohol free zones under certain circumstances?

Privacy Statement

We require your name, contact details and the suburb you live in as part of your feedback. All feedback will be published on our website with your name. All other personal or commercially sensitive information (including your email address and suburb) will be removed. Publishing feedback in full supports a transparent process and will assist in the public hearing process.

If you have specific reasons for not wanting your feedback publicly released, please contact alcohol.feedback@huttcity.govt.nz.

The feedback form asks for the suburb you live in to better understand how you are impacted by the changes happening in your suburb.

Public Hearings

The feedback form also asks if you want to present directly to Councillors at a hearing. If you state that you do want to present to Councillors, you will be contacted by council staff to arrange a time for you to speak.

Feedback will be considered by Council regardless of whether you wish to present your views at a hearing or not. Final decisions will be made in September 2024 and the Control of Alcohol in Public Places Bylaw will be adopted in October 2024.

Storing personal information

Council stores information with reasonable safeguards against loss and disclosure. Reasonable safeguards include physical and technological protections. Personal information is accessible to staff who have a legitimate reason to access it. Council has a code of conduct where unauthorised disclosure of confidential information or records in accordance with the provisions of the Public Records Act, which includes the authorised destruction of records once they are no longer required to be kept for legislative compliance or business purposes.

Access to your information

The information you provide will be accessible only by Council staff and is not shared with any third party. You have the right to ask for a copy of any personal

information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at policy@huttcity.govt.nz, or 04 570 6666, or 30 Laings Road, Lower Hutt 5010.

Legal Framework for bylaw making

Under sections 147A and 155 of the Local Government Act 2002(the Act), Councils are required to:

- determine whether a bylaw is the most appropriate way of addressing the perceived problem and that a proposed bylaw is the most appropriate form of the bylaw;
- be satisfied that the proposed bylaw can be justified as a reasonable limitation on people’s rights and freedoms;
 - except where the bylaw applies temporarily, there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder caused or made worse by alcohol consumption in the area; and
 - the proposed bylaw is appropriate and proportionate in light of that crime or disorder.

In addition, no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990. Council must also comply with the general decision-making requirements in sections 76 to 82 of the Act in that it must identify and consider all reasonably practicable options and the community’s views.

Is the Bylaw the most appropriate way to address the perceived problem?

The problem can be defined as “crime or disorder caused or made worse by the consumption of alcohol in public places”. Council has liaised with key stakeholders including the Police, Medical Health Officer, City Safety Manager, Healthy Families, CCTV Team and Alcohol Licensing Inspectors, to understand the nature of alcohol related issues in Lower Hutt.

A number of concerns about crime and disorder in Lower Hutt have been raised and Council has considered how best to address these. Options for addressing the perceived problem include current Police powers to protect public safety and

Council powers to regulate licensed premises under the Sale and Supply of Alcohol Act 2012.

Council could also develop controls in our policies, plans and hire agreements, use CCTV or advocate for more local Police. While these options could work, they are unlikely to address the problem on their own. Without a Control of Alcohol in Public Places Bylaw, there would be no ability to provide for temporary alcohol ban areas for events, or to deal with problem areas in the future. Bylaws are a well-recognised mechanism and provide a preventative tool to stop problems happening which is consistent with the “prevention first” strategy of the Police.

This is preferable to waiting for problems to occur, particularly at or after events where large groups of people may gather. Alcohol free zones, supported by signage, are enforced by the Police to prevent escalation and more serious incidents occurring. Alcohol free zones may also increase the perception of safety and order and raise the reputation of events. Without a bylaw, the Council and Police would have difficulty promoting and maintaining public health and safety by reducing alcohol possession and consumption in public.

Is the Bylaw the most appropriate form of the Bylaw?

Council considers the proposed Bylaw to be the most appropriate form of the bylaw as it provides for the following:

- the regulation of the possession and consumption of alcohol in public places leading to a reduction in crime and disorder caused or made worse by alcohol, as authorised under sections 145 and 147 of the Act;
- the promotion and maintenance of public health and safety; • responsive decision-making for the control of events; and
- focus on specific and known problem areas.

The Bylaw is an appropriate balance between regulatory and non-regulatory strategies to reduce alcohol-related crime and disorder, and is certain, reasonable and proportionate.

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

The New Zealand Bill of Rights Act 1990 provides for certain rights and freedoms in relation to:

- life and the security of people;
- democratic and civic rights;
- non-discrimination and minority rights;
- search, arrest and detention; and • criminal procedure and rights to justice.

The Bylaw could potentially limit rights and freedoms of expression, freedom of peaceful assembly and freedom of movement by limiting people’s ability to possess and consume alcohol in areas subject to alcohol bans. However, these limitations are justified (as provided in section 5 of the New Zealand Bill of Rights Act 1990) because Council’s ability to make alcohol bans is limited by legislative criteria and the restrictions are fair and reasonable in the interest of public health and safety.

Proposals for public consultation

Proposal 1	Reinstating alcohol free zones and maps from the previous Control of Alcohol in Public Places Bylaw with minor adjustments to reflect changes in town centres (see Appendix 1 within the Draft Bylaw) <ul style="list-style-type: none">• AFZ 10 - Wainuiomata - Should we include the car parks on either side of Te Ara Raukura?• AFZ 12 - Central Business District - Should we extend this area along Raroa Road and further along High Street?
Proposal 2	The Chief Executive of Hutt City Council, in consultation with the Mayor and Committee Chairs, having the authority to impose temporary alcohol free zones for events under certain conditions.

Previous alcohol free zones with minor adjustments to reflect changes in town centres (maps are at Appendix 1 in the Draft Bylaw attached)

Alcohol free zone area	Description and corresponding map	Permanent	Temporary
Western Hills	• Oakleigh Street carpark (refer to map AFZ1)	9:00pm to 5:00am seven days per week	
	• Jubilee Park (refer to map AFZ2)	9:00pm to 5:00am seven days per week	
Petone	• Pito-One Road and Cornish Street (refer to map AFZ3)	9:00pm to 5:00am seven days per week	
	• Focus on Jackson Street area (refer to map AFZ4)	At all times	
Eastbourne	• Days Bay (refer to map AFZ5)	9:00pm to 5:00am seven days per week	On Guy Fawkes night from 6:00pm on 5 November to 5:00am on 6 November, each year
	• Eastbourne shopping area, wharf and beach (refer to map AFZ6)	9:00pm to 5:00am seven days per week	
Seaview/ Gracefield	• refer to map AFZ7	9:00pm to 5:00am seven days per week	
Wainuiomata <i>(note minor adjusted area in green and around Hugh Sinclair Park to indicate new residential area)(potential to include public car parks on either side of Te Ara Raukura)</i>	• Norfolk Street Shopping Area (refer to map AFZ8)	At all times	
	• Homedale Village shops (refer to map AFZ9)	At all times	
	• Queen Street shops and Hugh Sinclair Park (refer to map AFZ10)	At all times	

Stokes Valley	<ul style="list-style-type: none"> Stokes Valley Shopping Centre, Delaney Park and Speldhurst Park (refer to map AFZ11) 	At all times	
Central Business District (note minor adjusted area in green)	<ul style="list-style-type: none"> refer to map AFZ12 	At all times	
Taita	<ul style="list-style-type: none"> Taita shopping area (refer to map AFZ13) 	At all times	
Naenae	<ul style="list-style-type: none"> refer to map AFZ14 	At all times	
City wide	<ul style="list-style-type: none"> refer to map AFZ15 	9:00pm to 5:00am seven days per week	

Enable Council to make alcohol bans by resolution

The Bylaw will include a mechanism to enable Council to make alcohol bans by resolution. This includes temporary alcohol-free zones associated with specific events or periods and permanent alcohol-free zones associated with specific areas or facilities.

For specified events or periods, the temporary alcohol ban must be publicly notified at least 14 days in advance of the specified event or period in accordance with section 170(3) of the LGA.

When time does not allow for the Council Resolution process to establish a temporary alcohol free zone, it is proposed that an application to establish a temporary alcohol free zone can be made to the Chief Executive, who will make a decision in consultation with the Mayor and Committee Chairs.

Draft Control of Alcohol in Public Places Bylaw

Division Strategy and Policy

Date Month Year
created

Publication Month Year
date

Review October 2029
period

Owner Strategy and Policy

Approved Name
by

Version	Author	Date	Description
V 1.0	Name	Month Year	Insert brief description here
V 2.0	Name	Month Year	Insert brief description here

1. Commencement

1.1 This Bylaw will come into force on [insert date]

2. Application

2.1 This Bylaw applies to the Lower Hutt District.

3. Interpretation

3.1 In this Bylaw, the following definitions apply:

- **Act** means the Local Government Act 2002.
- **Alcohol** has the meaning given to it in section 5(1) of the Sale and Supply of Alcohol Act 2012.
- **Alcohol free zone** means an alcohol ban area made under this Bylaw in accordance with section 147 of the Act.
- **Bylaw** means this Control of Alcohol in Public Places Bylaw.
- **Council** means Hutt City Council.
- **License** has the meaning given to it in section 5(1) of the Sale and Supply of Alcohol Act 2012.
- **Public Place** has the meaning given to it in section 147(1) of the Act.

4. Restrictions in Alcohol Free Zones

4.1 A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where:

- a. an alcohol free zone made by Council in accordance with clause X of this Bylaw applies; or
- b. an alcohol free zone in a Schedule of this Bylaw applies.

4.1.1. a public place does not include licensed premises.

4.2 However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147 (1)(b) of the Local Government 2002.

4.2.1 Explanatory note on section 147(1) and 147(4): The possession or transport of alcohol in public places in alcohol free zones is limited by this bylaw and the Local Government Act, and is generally only allowed when transporting, carrying, or delivering alcohol through an area.

5. Alcohol Free Zones

Permanent Alcohol Free Zones

5.1 The public places in each of the areas identified in Schedule 1 to this Bylaw are alcohol free zones.

Alcohol Free Zones by Council resolution

5.2 The Council may, by resolution, specify additional permanent or temporary alcohol free zones, including where and when an alcohol-free zone will apply.

5.3 A resolution made under clause 5.2 may specify a temporary alcohol free zone associated with specific events or periods and permanent alcohol-free zones associated with specific areas or facilities.

5.4 For specified events or periods, the temporary alcohol free zone must be publicly notified at least 14 days in advance of the specified event or period in accordance with section 170(3) of the Act.

5.5 The Council may amend or revoke an Alcohol Free Zone under clause 5.1 or a resolution made under clause 5.2 at any time.

5.6 Before making a resolution under clause 5.2, the Council must be satisfied that the requirements of section 147B of the Act are met. Council may also take into account the following:

- a. whether it is necessary to consult the public to gauge community views on a proposed alcohol free zone;
- b. the nature, features, and scale of the proposed alcohol free zone;
- c. the problems that have been caused by the consumption of alcohol in the proposed alcohol free zone including the nature and severity of the problems, and the times and days that problems have occurred;
- d. the likelihood that alcohol will be present in the proposed alcohol free zone on the days or period specified;
- e. the extent to which the proposed alcohol free zone may assist in addressing these problems;
- f. any restrictions or limitations on private individuals' rights that would be caused by a proposed alcohol free zone; and
- g. any other information considered by the Council to be relevant.

Chief Executive approval for temporary alcohol free zones

5.7 Where there is insufficient time to specify a temporary alcohol free zone by Council resolution, a temporary alcohol free zone can be imposed by the Chief Executive, in consultation with Committee Chairs and the Mayor, in respect of that event during the specified times for that alcohol free zone area.

5.8 The Chief Executive, in consultation with the Committee Chairs and the Mayor, may only impose a temporary alcohol free zone after consideration of:

- The nature of the event;

- The number of people expected to attend the event; and
- The history of the event (if any).

Implementation

5.9 For specified events or periods, the temporary alcohol free zone must be publicly notified at least 14 days in advance of the specified event or period in accordance with section 170(3) of the Act.

5.9.1 Applications to establish a temporary alcohol free zone can be made to the Chief Executive. Decisions will be made in consultation with the Committee Charis and the Mayor.

5.9.2 Explanatory note: If approved, a formal process with time limits, access for setting up temporary alcohol free zones (eg Police only), an application form, fee and signage requirements will be agreed.

6. Hutt City Council Alcohol Free Zones

6.1 The Council resolved at its meeting held on XXXXX to create the alcohol free zones and times set out in Schedule 1 to which the Bylaw will apply. Maps outlining the areas in all the alcohol free zones in the table below can be found at Appendix 1.

Schedule 1: Alcohol free zones [To be updated following public consultation and subcommittee hearing]

Alcohol free zones	
9pm to 5am everyday	<ul style="list-style-type: none"> • As per previous bylaw, no changes
24-hour alcohol free zone everyday	<ul style="list-style-type: none"> • Proposed updated boundary for the Central Business District • Proposed updated boundary for Queen Street, Wainuiomata • All other alcohol free zones as per previous bylaw

7. Signage in alcohol free zones

7.1 Where it is practicable or reasonable to do so, the Council will erect signage within alcohol free zones to provide information to the public about the restrictions. The size, location and content of the signage will be at the Council's discretion.

7.2 The absence of signage in any alcohol free zone does not authorise a breach of this Bylaw.

7.3 This clause is subject to any regulations made under section 147C of the Act.

8. Offence and penalty


8.1 Every person who breaches this Bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and may be liable to pay an infringement fee.

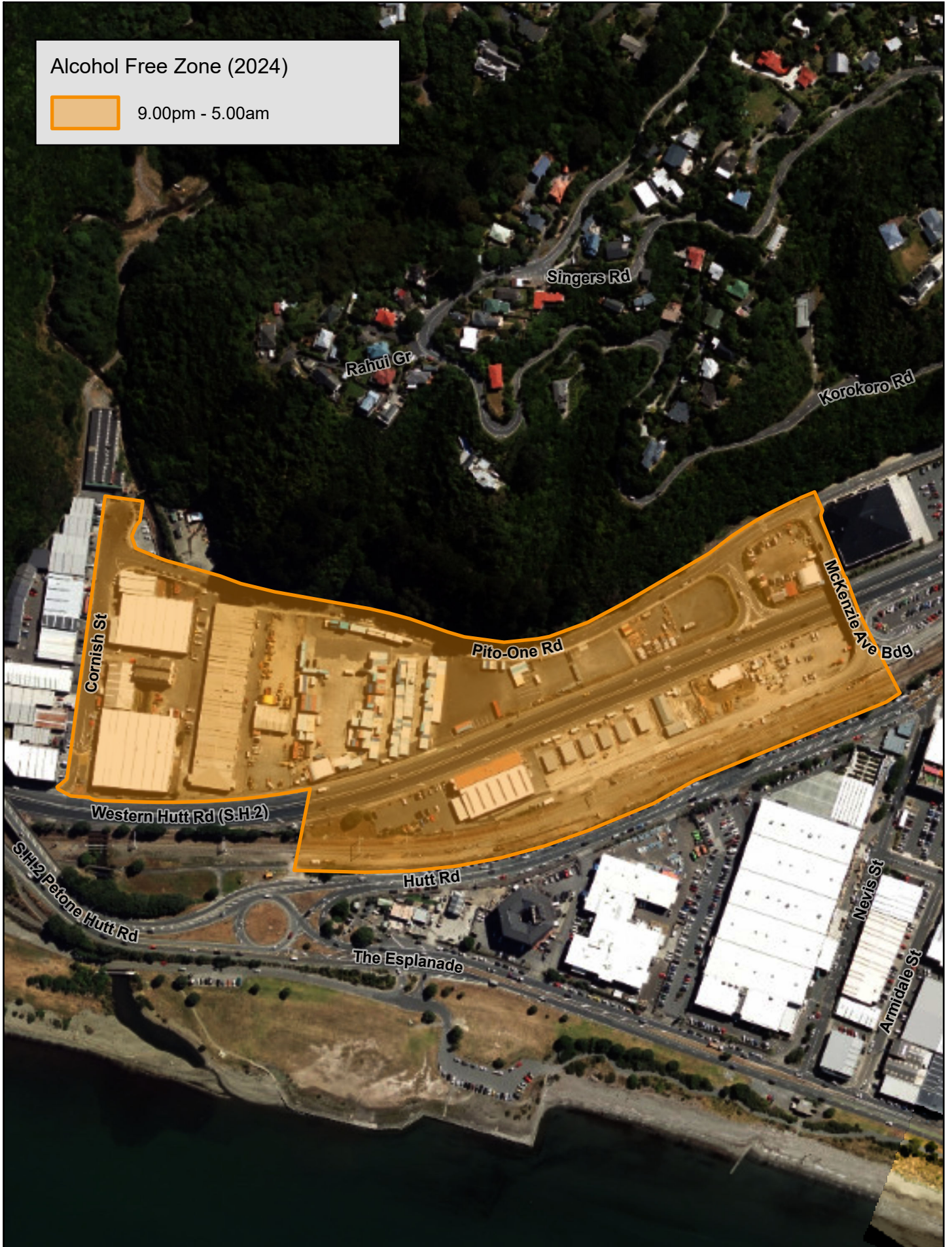
8.2 Any person in breach of the restrictions in place in an alcohol free zone is subject to any action taken by the Police in accordance with the powers given to the Police in the Act. These include the powers of search and seizure of alcohol, arrest, and the power to issue an infringement notice. For the avoidance of doubt, this includes the powers in section 170(2) of the Act.





Alcohol Free Zone (2024)

 9.00pm - 5.00am







Alcohol Free Zone (2024)

9.00pm - 5.00am

9.00pm - 5.00am seven days a week,
except on Guy Fawkes night –
6.00pm 5 November - 5.00am 6 November.

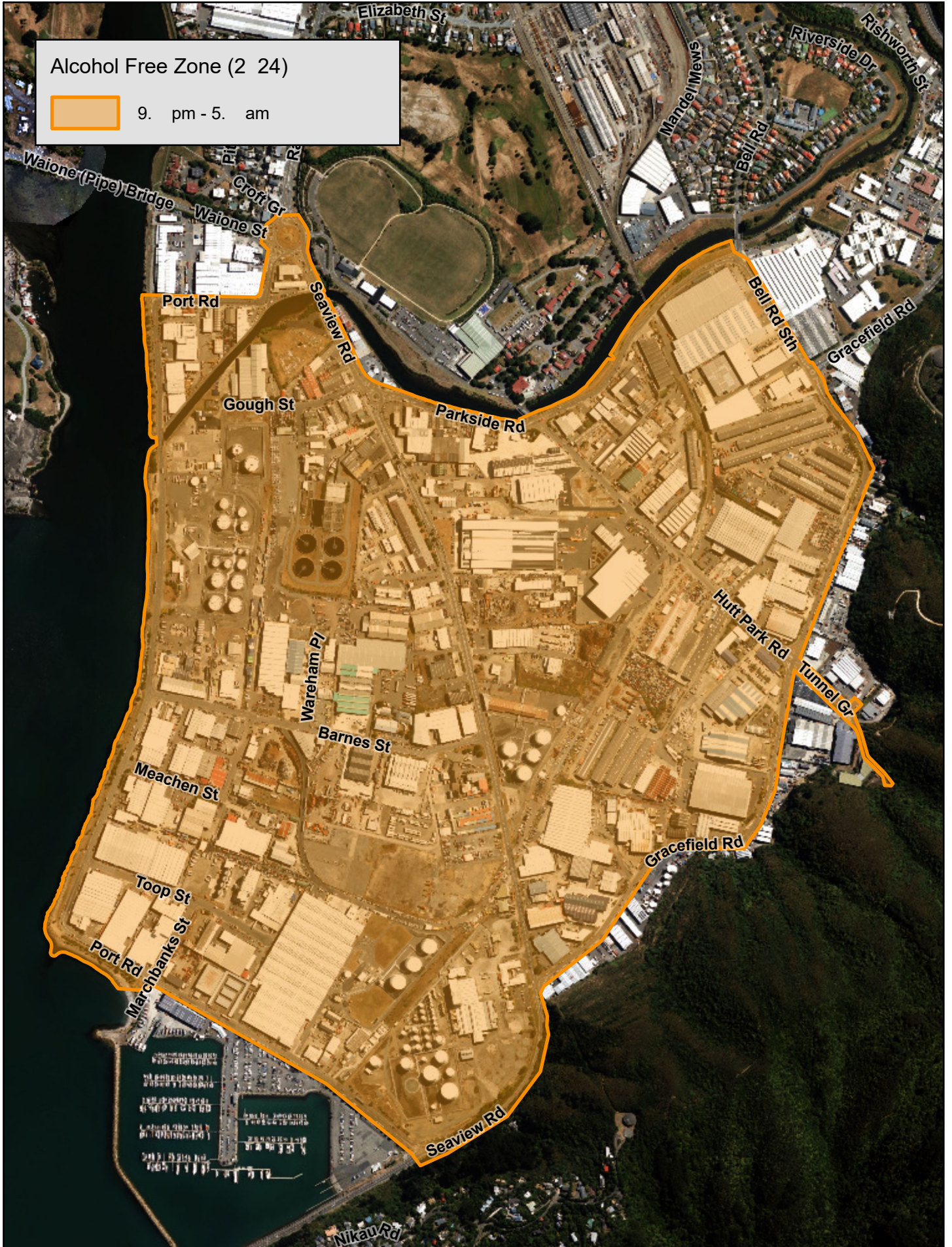


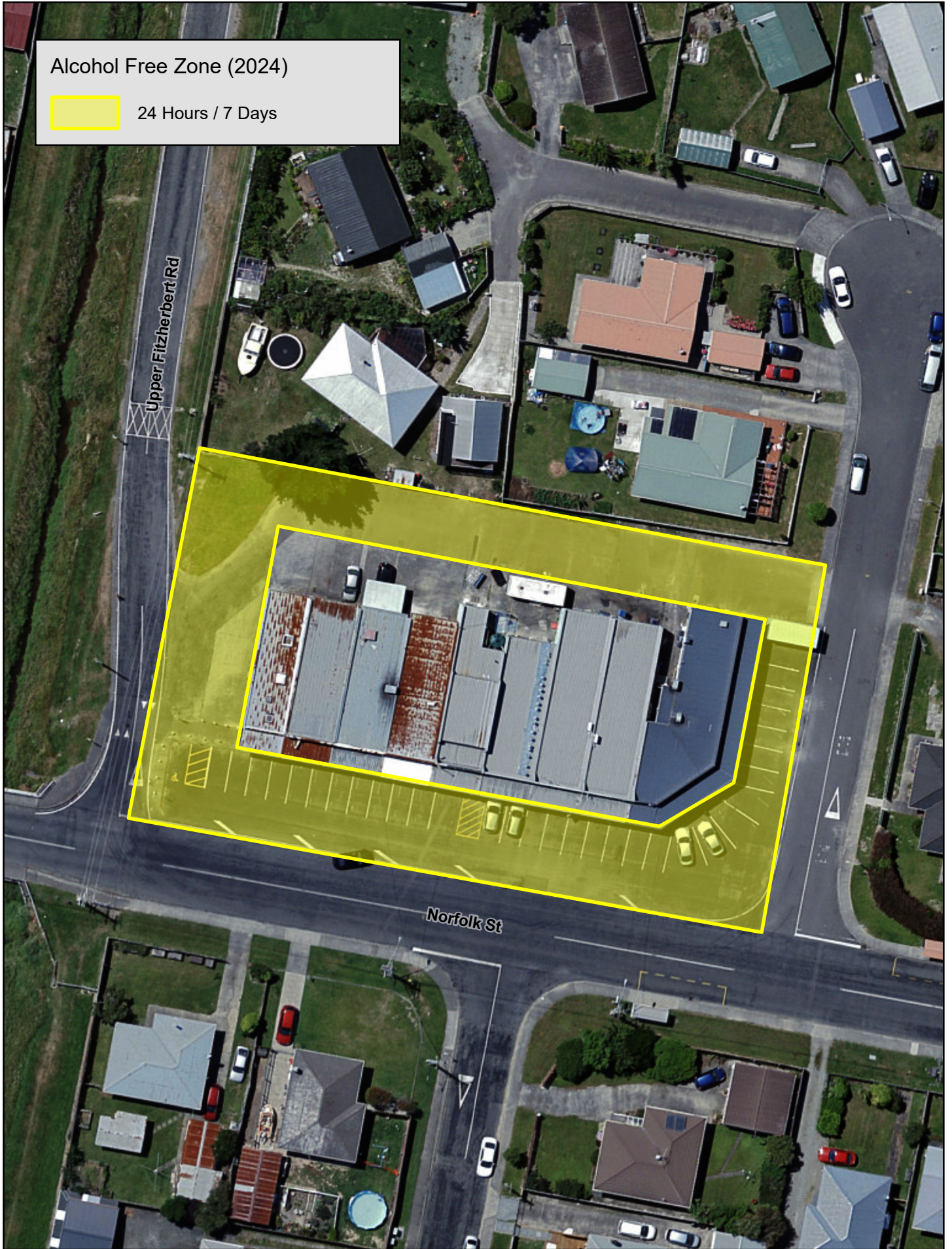
Alcohol Free Zone
(2024)




9.00pm - 5.00am





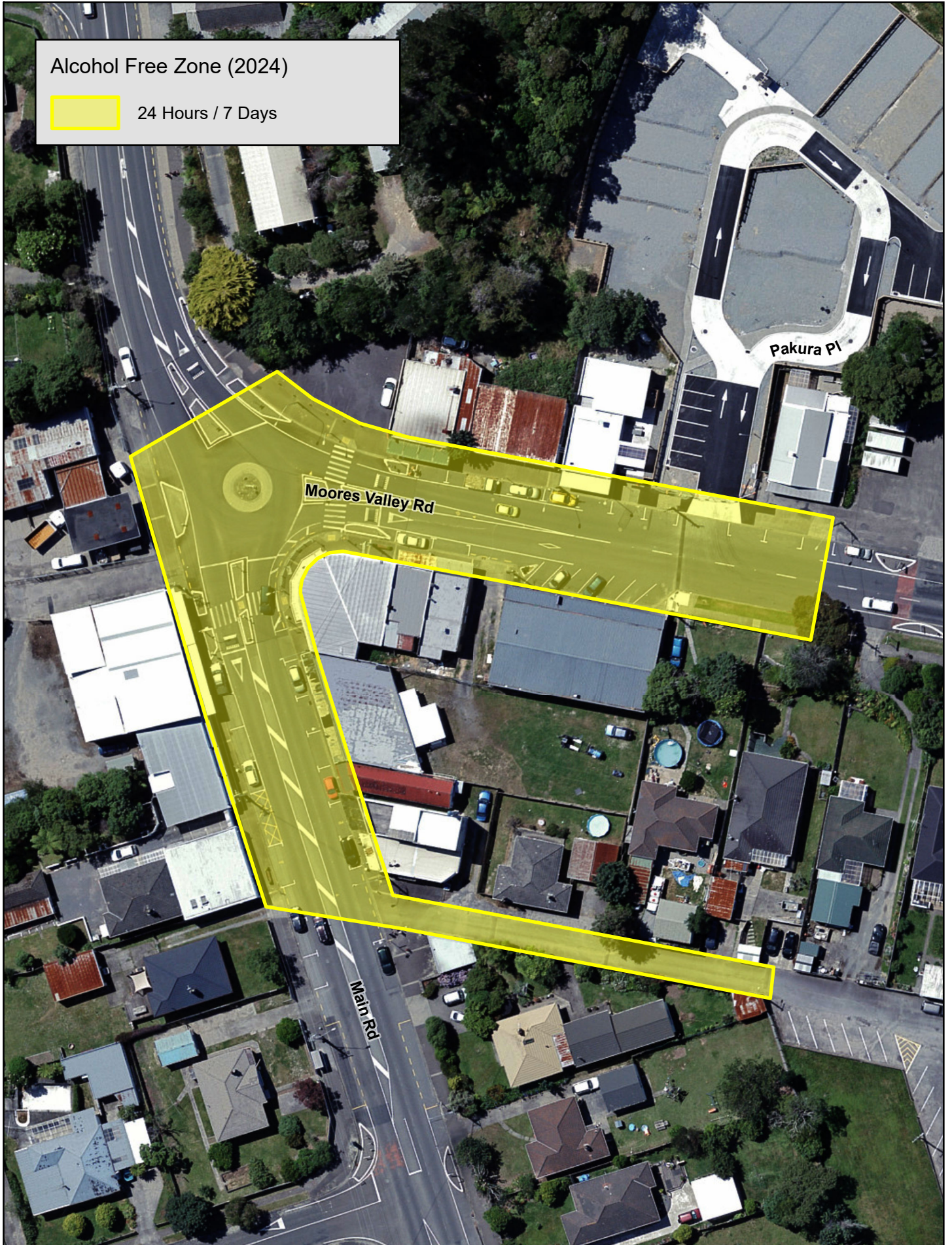


Alcohol Free Zone (2024)

 24 Hours / 7 Days

Upper Fitzherbert Rd

Norfolk St









Alcohol Free Zone (2024)

- 24 Hours / 7 Days
- Potential expansion of Zone





