

I hereby give notice that the public deliberation for a Special Consultative Procedure will be held on:

**Date:** Friday, 19 March 2021  
**Time:** 11.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Level 2, Auckland Town Hall  
301-303 Queen Street, Auckland Central

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## **DELIBERATION REPORT**

# **PROPOSED CHANGES TO TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE Ā-ROHE WHĀKARARATA WAIPĪRO / ALCOHOL CONTROL BYLAW 2014**

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### **PANEL MEMBERS**

**Chairperson** Cr Josephine Bartley  
**Members** Cr Dr Cathy Casey  
IMSB Glenn Wilcox

**Julie McKee**  
**HEARINGS MANAGER**

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## **WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE PUBLIC DELIBERATION**

At the start of the meeting, the Chairperson will introduce the panel members and council staff and will briefly outline the procedure.

The hearing panel have attended a series of Have Your Say events to hear from the public and have read the officers report and written submissions.

The hearing panel will now deliberate on what they have heard and read and will make a recommendation to the Governing Body.

**SPECIAL CONSULTATIVE PROCEDURE - PROPOSED CHANGES TO  
TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE Ā-ROHE WHAKARARATA WAIPIRO  
/ ALCOHOL CONTROL BYLAW 2014**

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Reporting Officer, Elizabeth Osborne

Reporting on the Have Your Say events and written submissions on the proposed changes to the Alcohol Control Bylaw 2014.

**Proposed changes to Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakararata Waipiro /  
Alcohol Control Bylaw 2014  
START DATE: Friday, 19 March 2021**

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# Deliberations on proposal to amend the Alcohol Control Bylaw

## Te take mō te pūrongo

### Purpose of the report

1. To assist Bylaw Panel deliberations on public feedback to a proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarangata Waipiro / the Auckland Council Alcohol Control Bylaw 2014.

## Whakarāpopototanga matua

### Executive summary

2. To assist Bylaw Panel deliberations on public feedback to the proposal, staff have summarised the feedback and provided a structure for the deliberations (Attachment A).
3. Council received responses from 883 people and organisations at the close of feedback on 13 November 2020 (including late feedback from the Eden Park Trust). All feedback is summarised into topics under the following categories:
  - new temporary alcohol ban for:
    - all major events at Pukekawa / Auckland Domain (excluding 'Christmas in the Park')
    - 'Christmas in the Park' at Pukekawa / Auckland Domain
    - all major events at Eden Park
    - all major events at Rarotonga / Mount Smart Stadium
    - all major events at Waiōrea / Western Springs Stadium
  - replace unnecessary clauses with a 'related information' note
  - clarify exceptions to alcohol bans, council's ability to make temporary alcohol bans, and the Bylaw wording
  - other bylaw-related matters and additional matters.
4. Staff recommend that the Panel accept the late feedback received from The Eden Park Trust, consider all feedback received on the proposal and make the necessary recommendations to the Governing Body.
5. This approach will help complete the statutory process the council must follow. This includes considering the views of people interested in the proposal with an open mind before making a final decision.
6. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.
7. The final step in the statutory process is for the Governing Body to approve the Bylaw Panel recommendations. If approved, staff will publicly notify the decision and publish changes to the Bylaw.

## Ngā tūhonga

### Recommendation/s

That the Bylaw Panel:

- a) thank those persons and organisations who gave public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarangata Waipiro / the Auckland Council Alcohol Control Bylaw 2014
- b) accept and consider the late feedback from The Eden Park Trust alongside all other public feedback received
- c) request that staff as delegated by the Chief Executive prepare a decision report to the Governing Body for approval of the Panel.

## Horopaki Context

### Proposed Bylaw amendments better reduce alcohol-related crime and disorder

8. On 24 September 2020 the Governing Body adopted a [proposal](#) (Attachment B) to improve the Bylaw for public consultation (Item 15, GB/2020/109).
9. The proposal arose from a statutory review of the Bylaw (see figure below).
10. The proposal seeks to better reduce alcohol-related crime and disorder by making:
  - new temporary alcohol bans for major events at four regional venues (Rarotonga / Mount Smart Stadium, Waiōrea / Western Springs Stadium, Eden Park and Pukekawa / Auckland Domain)
  - the Bylaw easier to read and understand.

#### Decisions leading to the proposal



### Bylaw Panel appointed to deliberate on public feedback to the proposal

11. On 1 September 2020 the Regulatory Committee appointed the Bylaw Panel to attend public consultation events, deliberate and make recommendations to the Governing Body on public feedback to the proposal (REG/2020/52).
12. When deliberating, the Panel:<sup>1</sup>
  - must receive public feedback with an open mind and give it due consideration
  - must provide the decisions and reasons to people who gave feedback
  - must ensure all meetings are open to the public
  - may consider or request comment or advice from staff or any other person to assist their decision-making.

### Feedback on the proposal was received from 883 people and organisations

13. The proposal was publicly notified for feedback from 10 October to 13 November 2020. Council received [feedback](#) from 882 people and organisations from across Auckland during that period, and late feedback from The Eden Park Trust (see table below).

#### Summary of public notification and feedback

Public consultation initiatives
<ul style="list-style-type: none"><li>• public notice in all local suburban papers in October 2020</li><li>• article on 'Our Auckland' website in October 2020</li></ul>

<sup>1</sup> Sections 82(1)(e), 82(1)(f), 83(3) of the Local Government Act 2002 and sections 46 and 47 of the Local Government Official Information and Meetings Act 1987.

<ul style="list-style-type: none"> <li>• email notification to all local board members, advisors, senior advisors and local area managers, Auckland Domain Committee staff, and the Chair of the Independent Māori Statutory Board</li> <li>• email or postal notification to stakeholders, mana whenua and mataawaka.</li> </ul>
<b>Public feedback opportunities</b>
<ul style="list-style-type: none"> <li>• in writing online, by email or by post</li> <li>• verbally by phone or at an online 'Question and Answer' event in October or November 2020</li> <li>• in person at a 'Have Your Say' event<sup>2</sup> at the Central City Library on 20 October 2020, or one-on-one session for mana whenua and mataawaka or key stakeholder feedback event in October or November 2020.</li> </ul>
<b>Consultation reach (number of responses)</b>
<ul style="list-style-type: none"> <li>• feedback received from 883 people and organisations as follows: <ul style="list-style-type: none"> <li>○ online and written feedback provided by 879 people and organisations, including the Tūpuna Maunga o Tāmaki Makaurau Authority and The Eden Park Trust. This included four via email, nine via the online 'Have Your Say' feedback form and 866 via an online feedback form by a People's Panel sample (Attachments C and D).</li> <li>○ attendee feedback at 'Have Your Say' events by four people (Attachment E).</li> </ul> </li> <li>• no person or group opted to attend the online 'Question and Answer' events, mana whenua or mataawaka one-on-one sessions, or stakeholder feedback event.</li> </ul>

- Attachments A to F in this report contain a deliberations table, proposal, summary and full copy of public feedback, summary of 'Have Your Say' event feedback, and operational and non-bylaw-related feedback.
- All local boards and the Auckland Domain Committee had an opportunity to provide views on the public feedback by resolution and present those views in person to the Bylaw Panel prior to deliberations. Twenty local boards and the Auckland Domain Committee resolved formal views (Attachment G). The views of the remaining local board will be tabled at the Panel's meeting.

## Tātaritanga me ngā tohutohu Analysis and advice

- To assist the Bylaw Panel in its deliberations, staff have summarised bylaw-related public feedback into categories in Attachment A. This enables the Panel to deliberate and record its recommendations on each topic to meet statutory requirements. The public feedback categories are:
  - new temporary alcohol ban for:
    - all major events at Pukekawa / Auckland Domain (excluding 'Christmas in the Park')
    - 'Christmas in the Park' at Pukekawa / Auckland Domain
    - all major events at Eden Park
    - all major events at Rarotonga / Mount Smart Stadium
    - all major events at Waiōrea / Western Springs Stadium
  - replace unnecessary clauses with a 'related information' note
  - clarify exceptions to alcohol bans, council's ability to make temporary alcohol bans, and the Bylaw wording
  - other bylaw-related matters and additional matters.
- The majority of public feedback and views supported all proposals. Key matters for deliberations include:
  - whether to apply Proposal 1E (temporary alcohol ban for major events at Waiōrea / Western Springs Stadium) to major events at the Western Springs Outer Fields
  - whether to extend the area of the alcohol ban in Proposal 1E to future fan trails.
- Staff have forwarded feedback on operational and non-bylaw matters (summarised in Attachment F) to relevant council units.

<sup>2</sup> The 'Have Your Say' event was a drop-in opportunity for the public to learn more about the proposal, ask questions and provide feedback to council officers and panel members.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

19. There are no implications for climate change arising from this decision.

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

20. The proposal impacts the operation of units across the council group involved in events, processing alcohol ban requests and alcohol ban signage. Those units are aware of the impacts of the proposal and their implementation role.
21. Auckland Unlimited advise that Proposal 1E (major events at Waiōrea / Western Springs Stadium) should also be applied to major events held on the Outer Fields.
22. Community Action on Youth and Drugs (CAYAD) Tāmaki Makaurau, and the Safety Collective Tāmaki Makaurau provided advice about event implementation that has been circulated to other relevant council units.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

23. The proposal impacts the Auckland region.
24. In February and March 2021, all local boards and the Auckland Domain Committee had an opportunity to input into the decision-making process by providing views by resolution on the public feedback to the proposal. In addition, they could also choose to present those views in person to the Bylaw Panel on 19 March 2021.
25. Twenty local boards and the Auckland Domain Committee provided views by resolution (Attachment G). Three of those local boards and the committee chose to also provide those views in person to the Bylaw Panel. Formal views of the Ōrākei Local Board will be tabled at the Panel meeting as the board chose to resolve views in March 2021 (OR/2021/5).
26. Most views supported all proposals with the following exceptions or additions:
  - Kaipātiki Local Board does not support Proposal 1B about ‘Christmas in the Park’ at Pukekawa / Auckland Domain
  - the Auckland Domain Committee endorses case-by-case decision-making for major events at Pukekawa / Auckland Domain (Proposals 1A and 1B)
  - Waitematā Local Board:
    - does not support Auckland Unlimited advice for Proposal 1E<sup>3</sup> to also apply to major events at the Outer Fields and recommends case-by-case decision-making
    - recommends inclusion of any future associated fan trails in Proposal 1E
    - recommends the Fan Trail over Ponsonby Road in Proposal 1C also include the side streets to that road.

## **Tauākī whakaaweawe Māori**

### **Māori impact statement**

27. The Bylaw has significance for Māori as users and kaitiaki / guardians of public space. Māori are also over-represented in alcohol-related hospital visits, the criminal justice system and as victims of crime.
28. Māori health advocacy organisations, Te Puni Kōkiri and the Tūpuna Maunga Authority support the use of alcohol bans as a tool to reduce alcohol-related harm.
29. The Tūpuna Maunga Authority provided general feedback on the proposal noting that Tūpuna Maunga are subject to alcohol and smoke-free policy that supports the spiritual, cultural and community significance of the maunga.

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<sup>3</sup> Proposal 1E: major events at Waiōrea / Western Springs; Proposal 1C: major events at Eden Park.

30. Mana whenua and mataawaka were provided opportunities to give feedback on the proposal in writing, online and in person. The majority of people identifying as Māori who provided feedback support the proposal. This is consistent with the overall percentage of feedback in support.

## Ngā ritenga ā-pūtea Financial implications

31. The cost of the Bylaw Panel recommendations will be met within existing budgets.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

32. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.

## Ngā koringa ā-muri Next steps

33. Staff will prepare a report from the Bylaw Panel to the Governing Body to implement the Panel directions on public feedback from its deliberations meeting. The report will be circulated to the Panel for approval and if necessary, the Panel can reconvene.
34. The final step in the statutory process is for the Governing Body to approve the Panel recommendations. If approved, council staff will publicly notify the decision and publish changes to the Bylaw.

## Ngā tāpirihanga Attachments

Number	Title	Page
A	Deliberations table	
B	Statement of Proposal	
C	Summary of public feedback	
D	Online and written feedback	
E	“Have Your Say” event feedback	
F	Operational and non-bylaw-related public feedback	
G	Local Board and Auckland Domain Committee views on public feedback	

## Ngā kaihaina Signatories

Authors	Elizabeth Osborne – Policy Advisor, Regulatory Practice
Authorisers	Paul Wilson – Senior Policy Manager, Regulatory Practice



**ATTACHMENT A**  
**DELIBERATIONS TABLE**



## Attachment A – Deliberations Table

This attachment provides a structure for deliberations.

It contains a summary of public feedback on the proposal and local board and Auckland Domain Committee views.

The Bylaw Panel will have read all the feedback and views in Attachments C to G to ensure that all matters raised receive due consideration.

### Note:

- The number of comments for key themes may not equal the total number of comments stated for the proposal because they include general comments or exclude operational and non-bylaw related matters.
- Public feedback about operational and non-bylaw related matters is summarised in Attachment F and has been referred to other council units where relevant.
- Supporting examples for key themes across Proposals 1A – E are contained in Proposal 1A to avoid repetition. Additional examples are included in Proposals 1B – E where appropriate.

Public feedback topic (Proposal 1A) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>New temporary alcohol ban for all major events at Pukekawa / Auckland Domain (excluding for 'Christmas in the Park') (Schedule 1 to the Bylaw, Map 1)</b></p> <p>456 feedback responses: <b>341 support (75 per cent)</b>, 102 oppose (22 per cent) and 306 comments.</p> <p><b>Key themes in support (214):</b></p> <ul style="list-style-type: none"> <li>• reduces alcohol-related crime and disorder/improves public safety (139)</li> <li>• alcohol is inappropriate/unnecessary at venue/in society (37) e.g. family venue, creates harm, drinking not venue purpose, large/open access/unit venue</li> <li>• clearer, more efficient, and enforceable rules (34) e.g. consistent, improves event management/ban enforcement</li> <li>• reasonable and economically beneficial (14) e.g. encourages use of licensed premises and public transport</li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>• does not include any temporary alcohol ban. A ban made by resolution does however apply for the Lantern Festival which expires after the 2022 event (ADC/2017/43).</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>• make a new temporary alcohol ban in the Bylaw to: <ul style="list-style-type: none"> <li>○ automatically apply over Pukekawa / Auckland Domain and internal roads from 6am on the first day of a major event there until 6am on the day after, excluding 'Christmas in the Park' (same area as existing ban, but starts and ends one hour earlier)</li> <li>○ replace existing Lantern Festival ban and current approach of making other major event bans there by resolution.</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Recommendations made only in relation to 'key changes sought' below.</p>

Public feedback topic (Proposal 1A) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key themes opposed (80):</b></p> <ul style="list-style-type: none"> <li>restricts people's rights and freedoms (30) e.g. penalises responsible drinkers, let people enjoy themselves, forces attendees to drink in separate area/buy alcohol at event</li> <li>creates inequity (16) e.g. licensed premises at events have inflated prices/monopoly, penalises lower-income people</li> <li>unnecessary/unsupportive of bans (16)</li> <li>will not reduce alcohol-related crime and disorder (14) e.g. not all drinking is an issue, prohibition doesn't improve drinking culture (pre-loading, binge-drinking), displaces issues elsewhere</li> <li>concern about extent/effects of ban (10) e.g. limits people unrelated to event, concern about ability to buy alcohol at event / further restrictions on private premises / small gatherings, raises attendance costs / events less attractive to attend and lose revenue, enforcement difficult / costly</li> <li>concern about benefits to council/vendors (6) e.g. revenue from granting licences, premises inflate prices</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal (including Waitemata).</li> </ul> <p><b>Auckland Domain Committee views</b></p> <ul style="list-style-type: none"> <li>support in principle family-friendly events being alcohol-free.</li> </ul>	<p><b>About 'rights and freedoms' feedback:</b></p> <ul style="list-style-type: none"> <li>there are no implications under, nor inconsistencies with, the New Zealand Bill of Rights Act 1990 as the ban applies only temporarily to a limited area for large-scale events and licensed premises may continue to operate.</li> <li>licensed areas can include large areas of the venue to allow drinking at seats or stands.</li> </ul> <p><b>About 'extent/effect of ban' feedback:</b></p> <ul style="list-style-type: none"> <li>proposal applies only to a limited area and for a limited time, where a night-time ban already applies and existing permanent alcohol bans apply nearby.<sup>1</sup></li> <li>proposal does not restrict other public places or change existing permanent bans. In addition, alcohol bans do not apply to private property such as residential homes.</li> <li>bans currently apply to many large-scale events and are considered to help make events more attractive to attend by enabling preventative approach to alcohol-related harm.</li> <li>signage and security matters already form part of event management. Police enforce alcohol bans and already establish a presence at most major events if necessary.</li> </ul> <p><b>About 'inequity' and 'benefits' feedback:</b></p> <ul style="list-style-type: none"> <li>council cannot change the exception to alcohol bans for licensed premises to operate, or its role in setting and receiving licensing fees as these are set under legislation.<sup>2</sup></li> <li>council cannot control prices at licensed premises as this could be anti-competitive behaviour.<sup>3</sup></li> </ul>	

<sup>1</sup> 10pm to 7am (daylight saving) and 7pm to 7am (outside daylight saving); existing 24/7 bans apply in Parnell, Newmarket and the City Centre.

<sup>2</sup> Sections 147(1) and (4) of the Local Government Act 2002, and the Sale and Supply of Alcohol (Fees) Regulations 2013.

<sup>3</sup> Section 27 of the Commerce Act 1986.

Public feedback topic (Proposal 1A) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (remove ban)</b></p> <ul style="list-style-type: none"> <li>remove ban and address disorderly behaviour instead (18) i.e. use existing disorderly behaviour legislation</li> </ul>	<ul style="list-style-type: none"> <li>Alcohol bans are considered a useful additional regulatory tool to disorderly behaviour legislation. They enable a preventative approach to help reduce alcohol-related harm, create additional, specific Police powers of arrest, search and seizure, and allow \$250 infringement fees which are more effective than court fines.<sup>4</sup></li> <li>Certain large-scale events at certain venues are predisposed to alcohol-related problems.<sup>5</sup> Police indicate that the proposed ban is needed at this venue.</li> <li>Proposed ban applies temporarily to a limited area and still allows purchase and consumption from licensed premises at the venue.</li> </ul>	<p>That the proposal about a new temporary alcohol ban in the Bylaw for major events at Pukekawa / Auckland Domain (excluding 'Christmas in the Park')</p> <p>Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>
<p><b>Key changes sought (ban area/time)</b></p> <ul style="list-style-type: none"> <li>increase the ban application/area/time (6) <ul style="list-style-type: none"> <li>include all events and 'Christmas in the Park'</li> <li>increase area to be the same as for Proposal 1B 'Christmas in the Park'</li> <li>create 24/7 ban at the domain.</li> </ul> </li> <li>reduce the ban area/time (2) <ul style="list-style-type: none"> <li>reduce area to include less of domain</li> <li>reduce time to start three hours before and finish six hours after event.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Police identified a need for an alcohol ban for major events only. Bans for other events can continue to be made by resolution on a case-by-case basis.</li> <li>'Christmas in the Park' is addressed by Proposal 1B and has a larger area due to issues at past events, and attracts significant numbers of attendees.</li> <li>Any permanent 24/7 alcohol ban over Auckland Domain must be supported by evidence.</li> <li>Proposed ban area follows natural boundaries of domain, addresses risk of displacement and ban time is standardised to set behavioural expectations and assist ease of understanding, consistency, and compliance.</li> </ul>	
<p><b>Key changes sought (definitions)</b></p> <ul style="list-style-type: none"> <li>include definition of 'major event' (1)</li> </ul> <p><b>Key changes sought (Auckland Domain Committee)</b></p> <ul style="list-style-type: none"> <li>endorses case-by-case decision making for major events at the domain by the committee.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal already refers to the definition of 'major event' in Council's <a href="#">Events Policy</a> in a related information note.</li> <li>Proposal removes time and cost to process individual requests at a venue where major event temporary alcohol bans have applied previously, major events will continue to be held, and Police identified a future need.</li> <li>Requests for temporary alcohol bans for other events will continue to be considered on a case-by-case-basis.</li> <li>Committee continues to provide landowner approval for events at domain.</li> </ul>	

<sup>4</sup> Section 169 of the Local Government Act 2002 and section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013.

<sup>5</sup> Alcohol Control Bylaw 2014, 2018 Review Findings Report, page 9.

Public feedback topic (Proposal 1B) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>New temporary alcohol ban for 'Christmas in the Park' at Pukekawa / Auckland Domain (Schedule 1 to the Bylaw, Map 2)</b></p> <p>496 feedback responses: <b>371 support (75 per cent)</b>, 113 oppose (23 per cent) and 327 comments</p> <p><b>Key themes in support (229):</b></p> <ul style="list-style-type: none"> <li>reduces alcohol-related crime and disorder, improves public safety (123)</li> <li>alcohol is inappropriate or unnecessary at event/in society (78) e.g. family event, large venue area</li> <li>creates clearer, more efficient, and enforceable rules (21)</li> <li>reasonable (14) e.g. useful area proposed</li> </ul> <p><b>Key themes opposed (87):</b></p> <ul style="list-style-type: none"> <li>restricts people's rights and freedoms (31) e.g. 'Christmas in the Park' attendees are responsible</li> <li>unnecessary/unsupportive of alcohol bans (24) e.g. BYO okay at relaxed family event, no issues</li> <li>creates inequity (16)</li> <li>concern about extent/effects of ban (8) e.g. different area for one event is confusing</li> <li>will not reduce alcohol-related crime and disorder (7)</li> <li>concern about benefits to council/vendors (3)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>Kaipātiki Local Board does not support proposal because: <ul style="list-style-type: none"> <li>ban is unreasonable limitation on a family event</li> <li>most people at the event behave and drink responsibly</li> <li>there are other ways to manage anti-social behaviour.</li> </ul> </li> <li>other local boards support (including Waitemātā).</li> </ul> <p><b>Auckland Domain Committee views</b></p> <ul style="list-style-type: none"> <li>support in principle family-friendly events being alcohol-free.</li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>does not include any temporary alcohol ban.</li> <li>a ban made by resolution does however apply for 'Christmas in the Park' (RBC/2015/41, WTM/2016/110).</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>make a new temporary alcohol ban in the Bylaw to replace the existing 'Christmas in the Park' ban at Pukekawa / Auckland Domain and surrounding streets, and automatically apply from 4pm on the Friday before the event to 8am on the following Monday after the event (same area and time period as the existing ban)</li> </ul> <p><b>About key themes opposed and local board views:</b></p> <ul style="list-style-type: none"> <li>refer to Proposal 1A.</li> <li>an existing temporary event alcohol ban for 'Christmas in the Park' already applies and was made in response to Police evidence of high levels of alcohol-related crime and disorder at and around the event during and after past 'Christmas in the Park' events.</li> <li>Police support proposal as a preventative approach to reduce alcohol-related harm and improve public safety at and around the event.</li> </ul>	<p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p>

Public feedback topic (Proposal 1B) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (remove ban)</b></p> <ul style="list-style-type: none"> <li>remove ban and address disorderly behaviour instead (18)</li> </ul> <p><b>Key changes sought (ban area/time)</b></p> <ul style="list-style-type: none"> <li>increase ban area/time (4) <ul style="list-style-type: none"> <li>create specific start and finish time</li> <li>increase area generally (account for people parking further away)</li> <li>create 24/7 ban at the domain [Refer to Proposal 1A].</li> </ul> </li> <li>reduce ban area/time (3) <ul style="list-style-type: none"> <li>exclude Kyber Pass Road, Parnell Rise; all surrounding streets</li> <li>reduce area to be consistent with Proposal 1A.</li> </ul> </li> </ul> <p><b>Key changes sought (Auckland Domain Committee)</b></p> <ul style="list-style-type: none"> <li>endorses case-by-case decision-making for major events at the domain by the committee (Refer to Proposal 1A).</li> </ul>	<ul style="list-style-type: none"> <li>Refer to Proposal 1A.</li> <li>Proposal already applies for a specific time (4pm Friday before to 8am Monday after).</li> <li>Proposal already covers a significant area, including surrounding streets to the domain. Existing 24/7 bans in Parnell, Newmarket and the City Centre provide further coverage around the venue.</li> <li>Inclusion of surrounding streets helps to reduce alcohol-related harm from drinking on the streets before and after the event as seen at previous events.</li> </ul>	<p>That the proposal about a new temporary alcohol ban in the Bylaw for 'Christmas in the Park' at Pukekawa / Auckland Domain</p> <p><b>Either [Panel to decide]</b></p> <p>be <b>adopted as publicly notified.</b></p> <p><b>OR</b></p> <p>be <b>amended to</b> [Panel to insert].</p> <p><b>OR</b></p> <p>be <b>rejected and the proposal amended to</b> [Panel to insert].</p> <p><b>AND</b></p> <p>Reasons include to [Panel to insert].</p>

Public feedback topic (Proposal 1C) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>New temporary alcohol ban for all major events at Eden Park, including two fan trails if activated as part of the event (Schedule 1 to the Bylaw, Maps 3, 3A and 3B)</b></p> <p>497 feedback responses: <b>356 support (72 per cent)</b>, 124 oppose (25 per cent) and 317 comments.</p> <p><b>Key themes in support (213):</b></p> <ul style="list-style-type: none"> <li>reduces alcohol-related crime and disorder / improves public safety (137) e.g. creates a safe walking zone</li> <li>alcohol is inappropriate or unnecessary at venue/in society (30)</li> <li>creates clearer, more efficient, and enforceable rules (17)</li> <li>reasonable and benefits event vendors (7) e.g. useful area, assists traffic flow</li> </ul> <p><b>Key themes opposed (88):</b></p> <ul style="list-style-type: none"> <li>concern about extent/effects of ban (29) e.g. extensive/complex area, limits people unrelated to event, Fan Trails too far from venue/hard to enforce, reduces relaxed atmosphere</li> <li>restricts people's rights and freedoms (25)</li> <li>unnecessary/unsupportive of alcohol bans (12) e.g. part of living in city/sports games, inclusion of Fan Trails unnecessary</li> </ul> <p><b>Views of The Eden Park Trust</b></p> <ul style="list-style-type: none"> <li>supports objective to reduce alcohol-related harm. Concerned that: <ul style="list-style-type: none"> <li>expansion of the alcohol ban area without sufficient enforcement resource (Police resourcing constraints, venue staff lack enforcement powers) will have little effect in achieving objective and will displace issues further from stadium.</li> <li>public perception for enforcement issues to be Trust's responsibility.</li> </ul> </li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>does not include any temporary alcohol ban.</li> <li>a ban made by resolution does however apply for all major events (AE/2015/118).</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>make a new temporary alcohol ban in the Bylaw to: <ul style="list-style-type: none"> <li>automatically apply over the stadium and surrounding streets 12 hours before and after a major event, and over two fan trails if activated as part of the event<sup>6</sup></li> <li>replace the existing temporary ban.</li> </ul> </li> </ul> <p><b>About 'extent/effects of ban' feedback and views of The Eden Park Trust:</b></p> <ul style="list-style-type: none"> <li>proposal applies for limited time and area.</li> <li>expansion of existing alcohol ban area is limited to the stadium and two Fan Trails.</li> <li>inclusion of stadium creates consistency with existing ban area surrounding venue and other temporary major event bans, and provides regulatory support for the venue's no BYO alcohol policy.</li> <li>Fan Trails are used only in limited circumstances for large-scale events, for example All Blacks vs Australia. Police enforce alcohol bans and already establish a proactive presence if necessary.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

<sup>6</sup> Same time period as existing ban; area in addition includes the stadium and two fan trails to Eden Park (one from Ponsonby Road, one from Queen Street).

Public feedback topic (Proposal 1C) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> <li>believes enforcement of the existing ban would be more effective in achieving objective than expanding the ban area.</li> <li>notes that the Trust does not determine whether a Fan Trail is activated nor provide operational support for any activation.</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal (including Albert-Eden and Waitematā).</li> </ul>	<ul style="list-style-type: none"> <li>Fan Trail inclusion allows preventative approach and additional Police tool to address alcohol-related harm from large crowds walking same route to the event.</li> </ul> <p><b>About other key themes opposed:</b></p> <ul style="list-style-type: none"> <li>refer to Proposal 1A.</li> </ul>	
<p><b>Public feedback topic (Proposal 1C)</b> (number of comments in brackets)</p> <p><b>Key changes sought (ban area/time)</b></p> <ul style="list-style-type: none"> <li>reduce ban area/time (18): <ul style="list-style-type: none"> <li>retain current ban area (remove ban over stadium and Fan Trails)</li> <li>remove some/all surrounding streets/Fan Trails</li> <li>include residential streets but not non-residential streets</li> <li>reduce ban time to two hours prior to event (12 hours prior is excessive).</li> </ul> </li> <li>increase ban area (4): <ul style="list-style-type: none"> <li>increase area in general</li> <li>include Dominion Road</li> <li>include Hobson, Nelson, Federal, Albert, and High Streets and side streets in Fan Trail Two.</li> </ul> </li> </ul>	<p><b>Staff comment</b></p> <ul style="list-style-type: none"> <li>Proposal applies over surrounding streets to venue and Fan Trails (if activated) as a preventative approach to alcohol-related harm from pre-drinking around or on the way to the venue.</li> <li>Alcohol-related harm can occur both in residential and non-residential streets. Alcohol bans do not apply to private property such as residential homes.</li> <li>Proposed ban time helps to reduce risk of pre-loading where attendees arrive early or wait to be admitted, and sets behavioural expectations.</li> <li>A 24/7 alcohol ban already applies over the city centre, and Dominion Road and associated side streets parallel to the venue.</li> </ul>	<p><b>Panel recommendation</b></p> <p>That the proposal about a new temporary alcohol ban in the Bylaw for major events at Eden Park and two Fan Trails if activated as part of the event  <b>Either [Panel to decide]</b>  <b>be adopted as publicly notified.</b>  <b>OR</b>  <b>be amended to [Panel to insert].</b>  <b>OR</b>  <b>be rejected and the proposal amended to [Panel to insert].</b>  <b>AND</b>  Reasons include to <b>[Panel to insert].</b></p>
<p><b>Key changes sought (remove ban)</b></p> <ul style="list-style-type: none"> <li>remove ban and address disorderly behaviour instead (13)</li> </ul>	<ul style="list-style-type: none"> <li>Refer to Proposal 1A.</li> </ul>	
<p><b>Key changes sought (definitions)</b></p> <ul style="list-style-type: none"> <li>include definition of 'major event' (1)</li> </ul>	<ul style="list-style-type: none"> <li>Refer to Proposal 1A.</li> </ul>	
<p><b>Key changes sought (Waitematā Local Board)</b></p> <ul style="list-style-type: none"> <li>recommend inclusion of side streets in Fan Trail along Ponsonby Road.</li> </ul>	<ul style="list-style-type: none"> <li>Side streets to Ponsonby Road are included in existing permanent 24/7 alcohol bans.</li> </ul>	

Public feedback topic (Proposal 1D) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>New temporary alcohol ban for all major events at Rarotonga / Mount Smart Stadium (Schedule 1 to the Bylaw, Map 4)</b></p> <p>438 feedback responses: <b>343 support (78 per cent)</b>, 88 oppose (20 per cent) and 249 comments.</p> <p><b>Key themes in support (188):</b></p> <ul style="list-style-type: none"> <li>reduces alcohol-related crime and disorder/improves public safety (123)</li> <li>creates clearer, more efficient, and enforceable rules (20)</li> <li>alcohol is inappropriate or unnecessary at the venue/in society (20)</li> <li>reasonable and economically beneficial (5) e.g. reasonable area</li> </ul> <p><b>Key themes opposed (56):</b></p> <ul style="list-style-type: none"> <li>restricts people's rights and freedoms (22)</li> <li>creates inequity (12)</li> <li>unnecessary/unsupportive of alcohol bans (11)</li> <li>concern about extent/effects of ban (8) e.g. extensive/complex area</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal (including Maungakiekie-Tāmaki).</li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>does not include any temporary alcohol ban.</li> <li>a ban made by resolution does however apply for concerts only (MT/2017/144).</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>make a new temporary alcohol ban in the Bylaw to: <ul style="list-style-type: none"> <li>automatically apply over the stadium and surrounding streets from 6am on the day of all major events there until 6am on the day after the major event (same area and time period as existing ban)</li> <li>replace the existing concert ban there and current approach of making bans for other major events there by resolution.</li> </ul> </li> </ul> <p><b>About other key themes opposed:</b></p> <ul style="list-style-type: none"> <li>refer to Proposal 1A and 'Key changes sought (ban area/time)'.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

Public feedback topic (Proposal 1D) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (ban area/time)</b></p> <ul style="list-style-type: none"> <li>• increase ban area: (3) <ul style="list-style-type: none"> <li>○ add Fan Trails</li> <li>○ create 24/7 ban at Mount Smart Stadium</li> <li>○ include Te Papapa Station.</li> </ul> </li> <li>• reduce ban area: (9) <ul style="list-style-type: none"> <li>○ reduce area in general</li> <li>○ remove all or some surrounding streets.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Fan Trails are not used at this venue.</li> <li>• Any permanent 24/7 alcohol ban must be supported by evidence.</li> <li>• Auckland Stadiums do not consider inclusion of Te Papapa Station necessary as station is not in use.</li> <li>• Proposal retains same area as existing ban at the venue as a preventative approach to alcohol-related harm from pre-drinking around or on the way to the venue.</li> </ul>	<p>That the proposal about a new temporary alcohol ban in the Bylaw for major events at Rarotonga / Mount Smart Stadium</p> <p><b>Either [Panel to decide]</b></p> <p><b>be adopted as publicly notified.</b></p> <p><b>OR</b></p> <p><b>be amended to [Panel to insert].</b></p> <p><b>OR</b></p> <p><b>be rejected and the proposal amended to [Panel to insert].</b></p> <p><b>AND</b></p> <p>Reasons include to <b>[Panel to insert].</b></p>
<p><b>Key changes sought (remove ban)</b></p> <ul style="list-style-type: none"> <li>• remove ban and address disorderly behaviour instead (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Proposal 1A.</li> </ul>	
<p><b>Key changes sought (definitions)</b></p> <ul style="list-style-type: none"> <li>• include definition of 'major event' (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Proposal 1A.</li> </ul>	

Public feedback topic (Proposal 1E) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>New temporary alcohol ban for all major events at Waiōrea / Western Springs Stadium (Schedule 1 to the Bylaw, Map 5)</b></p> <p>448 feedback responses: <b>336 support (75 per cent)</b>, 102 oppose (23 per cent) and 258 comments.</p> <p><b>Key themes in support (176):</b></p> <ul style="list-style-type: none"> <li>reduces alcohol-related crime and disorder/improves public safety (102)</li> <li>alcohol is inappropriate or unnecessary at the venue/in society (30) e.g. unique environment – wildlife, zoo, lake, motorway/busy roads, residential areas, open access</li> <li>creates clearer, more efficient, and enforceable rules (23)</li> <li>reasonable and benefits vendors(22) e.g. beneficial area proposed, enhances event</li> </ul> <p><b>Key themes opposed (74):</b></p> <ul style="list-style-type: none"> <li>restricts people’s rights and freedoms (25)</li> <li>concern about extent/effects of ban (17) e.g. extensive/complex area, limits people unrelated to/unaware of event (high frequency of summer events - family picnics/BBQs)</li> <li>unnecessary/unsupportive of alcohol bans (13)</li> <li>creates inequity (11)</li> <li>will not reduce alcohol-related crime and disorder (8)</li> <li>concern about benefits to council/vendors (4)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal (including Albert-Eden and Waitemata).</li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>does not include any temporary alcohol ban.</li> <li>currently applications must be made to council for individual events and any ban is made by resolution.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>make a new temporary alcohol ban in the Bylaw to: <ul style="list-style-type: none"> <li>automatically apply over the stadium, lakeside, outer fields and surrounding streets from 6am on the day of a major event at the stadium until 6am on the day after the major event</li> <li>replace current approach of making a new temporary alcohol ban by resolution for each major event.</li> </ul> </li> </ul> <p><b>About ‘extent/effects of ban’ feedback:</b></p> <ul style="list-style-type: none"> <li>proposal applies only to a limited area and for a limited time and does not otherwise restrict use of the area. A night-time alcohol ban over the lakeside/park already applies.<sup>7</sup></li> <li>proposal follows natural boundaries of venue and park area and includes surrounding streets to address risk of displacement and assist ease of understanding, consistency, and compliance.</li> <li>all event alcohol bans are publicly notified and supported by signage.</li> </ul> <p><b>About other key themes opposed:</b></p> <ul style="list-style-type: none"> <li>refer to Proposal 1A.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

<sup>7</sup> 10pm to 7am (daylight saving) and 7pm to 7am (outside daylight saving).

Public feedback topic (Proposal 1E) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (ban area/time)</b></p> <ul style="list-style-type: none"> <li>• reduce ban area/time (10) <ul style="list-style-type: none"> <li>○ reduce area generally</li> <li>○ remove surrounding streets; ban only venue</li> <li>○ remove lakeside/park</li> <li>○ apply on a case-by-case basis</li> <li>○ create 24/7 ban at Western Springs or have no ban</li> <li>○ do not include Speedway.</li> </ul> </li> <li>• increase ban area/time (1) <ul style="list-style-type: none"> <li>○ include Speedway, zoo carparks, all other events held there.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Proposal includes areas directly surrounding venue to reduce risk of displacement of alcohol-related harm.</li> <li>• Proposal improves on a case-by-case approach by removing time and costs to process individual requests for temporary event alcohol bans for a venue where major event bans applied previously, major events will continue to be held, and Police identified a future need.</li> <li>• Bans for other events can continue to be made by resolution on a case-by-case basis.</li> <li>• Evidence must support any permanent 24/7 ban.</li> <li>• Proposal includes the Speedway only where it is a major event under council's <a href="#">Events Policy</a>.</li> <li>• Auckland Stadiums and Zoo do not consider adding zoo carparks necessary due to a lack of issues experienced.</li> <li>• Refer to Proposal 1A and Key changes sought (ban area/time) above.</li> </ul>	<p>That the proposal about a new temporary alcohol ban in the Bylaw for major events at Waiōrea / Western Springs Stadium</p> <p><b>Either [Panel to decide]</b></p> <p><b>be adopted as publicly notified.</b></p> <p><b>OR</b></p> <p><b>be amended to [Panel to insert].</b></p> <p><b>OR</b></p> <p><b>be rejected and the proposal amended to [Panel to insert].</b></p> <p><b>AND</b></p> <p>Reasons include to <b>[Panel to insert].</b></p>
<p><b>Key changes sought (remove ban)</b></p> <ul style="list-style-type: none"> <li>• remove ban and address disorderly behaviour instead</li> <li>• retain existing approach (14).</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Proposal 1A.</li> </ul>	
<p><b>Key changes sought (definitions)</b></p> <ul style="list-style-type: none"> <li>• include definition of 'major event' (1)</li> </ul> <p><b>Key changes sought (event location)</b></p> <ul style="list-style-type: none"> <li>• Auckland Unlimited advises for the ban to also apply if a major event is held at the Outer Fields as use of this area for major events is anticipated to increase.</li> </ul> <p><b>Key changes sought (Waitematā Local Board)</b></p> <ul style="list-style-type: none"> <li>• do not support Auckland Unlimited advice in row above.</li> <li>• recommend the board consider requests for temporary event alcohol bans at the venue on a case-by-case basis.</li> <li>• recommend the inclusion of any future fan trails associated with the stadium.</li> </ul>	<ul style="list-style-type: none"> <li>• Police support Auckland Unlimited advice. Police in January 2021 requested a recurring two-year temporary alcohol ban for concerts at the stadium or Outer Fields.</li> <li>• Board continues case-by-case approach for other events.</li> <li>• Venue hosts few events which could involve a fan trail, no past trail has applied, and any future trail route is unknown. If need arises, future inclusion could be considered.</li> <li>• <b>Panel could if it wishes consider amending proposal to also apply if a major event is held at the Outer Fields,</b> to recognise its use for major events and provide a consistent/efficient preventative approach to alcohol harm from major events there.</li> </ul>	

Public feedback topic (Proposal 2) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Replace rules covered by existing legislation or council policy with 'related information' (Clause 8)</b></p> <p>874 feedback responses: <b>608 support (70 per cent)</b>, 142 oppose (16 per cent) and 258 comments.</p> <p><b>Key themes in support (290):</b></p> <ul style="list-style-type: none"> <li>clearer, more efficient, enforceable rules (189) e.g. removes duplication, improves understanding</li> </ul> <p><b>Key themes opposed (100):</b></p> <ul style="list-style-type: none"> <li>unnecessary, inefficient, costly, too complex, poorly enforceable (39) – concerned that proposal seeks a separate policy to contain alcohol ban signage rules for the public</li> <li>concern about benefits/power to council (5) e.g. revenue from granting licences, ability to change rules without consultation</li> </ul> <p><b>Other key themes: (53)</b></p> <ul style="list-style-type: none"> <li>separate policy for signage is useful (6) e.g. greater flexibility to change, ensures consistency with rules in one place, removes duplication</li> <li>technical issue without the need for public input (5)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal.</li> </ul> <p><b>Key changes sought</b></p> <ul style="list-style-type: none"> <li>include rules in the Bylaw instead of in separate policy/legislation (28) e.g. avoids inconsistencies, ease of understanding/compliance, unnecessary</li> <li>amend approach to proposed related information (8) <ul style="list-style-type: none"> <li>retain current approach (i.e. keep rules in Bylaw text)</li> <li>remove rules from Bylaw and related information</li> <li>provide links to the legislation</li> <li>ensure related information is consistent with the separate policy/legislation and easily located.</li> </ul> </li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>contains rules covered by legislation or council policy about making alcohol bans (Local Government Act 2002) and an internal council alcohol ban signage policy for staff.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>reduce duplication by replacing rules covered by existing legislation or council policy with a 'related information' note.</li> </ul> <p><b>About 'unnecessary, ineffective, costly...' feedback:</b></p> <ul style="list-style-type: none"> <li>an internal signage policy already exists as an operational guide. The policy does not apply to the public and is not enforceable. No signage rules apply to the public.</li> </ul> <p><b>About 'benefits/power to council' feedback:</b></p> <ul style="list-style-type: none"> <li>proposal does not allow rules to be made without consultation.</li> <li>the signage policy does not apply to the public and can be changed at any time as best practice develops.</li> <li>council cannot change its role in setting and receiving licensing fees as this is set under legislation.<sup>8</sup></li> </ul>	<p>That the proposal about replacing unnecessary clauses with a 'related information' note</p> <p>Either [Panel to decide]</p> <p>be adopted as publicly notified.</p> <p>OR</p> <p>be amended to [Panel to insert].</p> <p>OR</p> <p>be rejected and the proposal amended to [Panel to insert].</p> <p>AND</p> <p>Reasons include to [Panel to insert].</p>
	<ul style="list-style-type: none"> <li>Unnecessary to include rules in a Bylaw that are already set in legislation or are about internal operational practice.</li> <li>Proposed related information improves understanding without duplicating legislation or operational matters, can be easily amended for consistency, is located directly after relevant bylaw clauses, and already provides links to relevant legislation.</li> </ul>	

<sup>8</sup> Sale and Supply of Alcohol (Fees) Regulations 2013.

Public feedback topic (Proposal 3) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Clarify exceptions to alcohol bans, council's ability to make temporary alcohol bans, and the Bylaw wording (Clauses 6 – 7 and entire Bylaw)</b></p> <p>875 feedback responses: <b>758 support (87 per cent)</b>, 62 oppose (7 per cent) and 431 comments.</p> <p><b>Key themes in support (350):</b></p> <ul style="list-style-type: none"> <li>clearer, more efficient, and enforceable rules (267)</li> </ul> <p><b>Key themes opposed (39):</b></p> <ul style="list-style-type: none"> <li>unnecessary to include/clarify exceptions (10) e.g. could duplicate/be inconsistent with legislation</li> <li>concern about council role/benefits (7) e.g. concern further rules could be made without consultation, such as new bans or enforcement powers</li> </ul> <p><b>Other key themes:</b></p> <ul style="list-style-type: none"> <li>exceptions are ineffective/too complex/poorly enforceable (15) e.g. easily abused, diminishes ban purpose, confusing, concern that bylaw would be inconsistent with legislation if it changes</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>support proposal.</li> </ul> <p><b>Key changes sought (clarification)</b></p> <ul style="list-style-type: none"> <li>clarify if the exceptions listed are comprehensive and complete (1)</li> </ul>	<p><b>Current bylaw:</b></p> <ul style="list-style-type: none"> <li>includes an explanatory note about the exception to alcohol bans for the transport of alcohol in an unopened container, but not about the exception for licensed premises [Refer to 'Other bylaw-related matters' for further information on exceptions].</li> <li>includes no further information about council's ability to make a ban.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>make the Bylaw easier to read and understand by clarifying the wording and providing related information notes about statutory exceptions and council's ability to make temporary bans.</li> </ul> <p><b>About 'unnecessary/council role' feedback:</b></p> <ul style="list-style-type: none"> <li>proposed related information improves understanding without duplicating legislation and can be easily amended for consistency if any legislation changes.</li> <li>proposal does not allow further rules to be made without consultation.</li> <li>the process to make alcohol bans by resolution remains unchanged and enforcement powers are set by legislation.</li> </ul> <ul style="list-style-type: none"> <li>Proposed related information about exceptions is either set out in full or provides a comprehensive explanation, alongside links to relevant legislation.</li> </ul>	<p>That the proposal about clarifying exceptions to alcohol bans, council's ability to make temporary alcohol bans, and the Bylaw wording</p> <p>Either [Panel to decide]</p> <p>be <b>adopted as publicly notified.</b></p> <p><b>OR</b></p> <p>be <b>amended</b> to [Panel to insert].</p> <p><b>OR</b></p> <p>be <b>rejected and the proposal amended</b> to [Panel to insert].</p> <p><b>AND</b></p> <p>Reasons include to [Panel to insert].</p>

Public feedback topic (Other bylaw-related matters)	Staff comment	Panel recommendation
<p><b>Comment (make new bans)</b></p> <ul style="list-style-type: none"> <li>• Make alcohol bans for: <ul style="list-style-type: none"> <li>○ all public places (i.e. only allow at licensed premises/private property)</li> <li>○ all parks, beaches, streets, carparks, bus shelters, footpaths, playgrounds, reserves, places where families/children gather</li> <li>○ Hunters Corner, Papatoetoe and Snells Beach, Rodney, 24/7</li> <li>○ all public, major, sports and family events including concerts</li> <li>○ areas outside event venues.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The proposal continues to allow any person to request a new alcohol ban or an amendment to an existing ban, with supporting evidence.</li> <li>• The legislative framework sets a high threshold to make alcohol bans which would preclude a 'blanket ban' over all or large areas of public space.<sup>9</sup></li> <li>• Alcohol bans currently apply over many of the identified locations e.g. Hunters Corner (24/7) and Snells Beach (9pm – 7am, daylight savings).</li> <li>• Existing and proposed temporary event alcohol bans apply to surrounding areas to the venues.</li> </ul>	<p>The Panel considers that comments be noted. <b>OR</b> [Panel to insert].</p>
<p><b>Comment (remove bans)</b></p> <ul style="list-style-type: none"> <li>• Minimise use of bans.</li> <li>• Remove all alcohol bans and invest in social services.</li> <li>• Remove or do not allow alcohol bans at parks, events, picnics, 'Music in Parks', family gatherings in Auckland Domain, or at the speedway.</li> </ul>	<ul style="list-style-type: none"> <li>• Alcohol bans are considered a useful additional regulatory tool to disorderly behaviour legislation and enable a preventative approach.<sup>10</sup></li> <li>• Existing bans apply where alcohol-related harm has occurred and legislative criteria was met.</li> </ul>	
<p><b>Comment (exceptions)</b></p> <ul style="list-style-type: none"> <li>• Remove exceptions (i.e. create blanket ban) concern over why council cannot change exceptions</li> <li>• Enable council to add or remove exceptions</li> <li>• Simplify exceptions by changing terms of alcohol bans to ban consumption but not possession</li> <li>• Allow a limited amount of BYO alcohol at the event venues</li> <li>• Refine type and quantity of alcohol addressed by an alcohol ban e.g. bottle of vodka but not glass of wine.</li> </ul>	<ul style="list-style-type: none"> <li>• Council has no authority to remove exceptions to alcohol bans specified in the Local Government Act.<sup>11</sup></li> <li>• Council can add further exceptions, but has chosen not to because this may reduce the effectiveness of the preventative approach (difficult to enforce, risk of inconsistency).</li> </ul>	

<sup>9</sup> Sections 147A and 147B of the Local Government Act 2002.

<sup>10</sup> Section 169 of the Local Government Act 2002 and section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013.

<sup>11</sup> Sections 147(1) and (4) of the Local Government Act 2002.

Public feedback topic (Other bylaw-related matters)	Staff comment	Panel recommendation
<p><b>Comment (process to make bans)</b></p> <ul style="list-style-type: none"> <li>• Make it more difficult to adopt alcohol bans</li> <li>• Enable event organisers to decide whether a ban should apply</li> <li>• Apply bans to events on a case-by-case basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Council has no authority to change the legislative criteria to make alcohol bans. <small>Error! Bookmark not defined.</small></li> <li>• The proposal improves current case-by-case approach for events at certain venues for consistency and to remove time and costs where Police indicate a ban is needed, a major events alcohol ban has applied previously, and major events will continue to be held.</li> </ul>	
<p><b>Comment (sale of alcohol)</b></p> <ul style="list-style-type: none"> <li>• Ban the sale of alcohol in alcohol ban areas/at events/at 'Christmas in the Park' e.g. unfair/inconsistent to allow sale</li> </ul>	<ul style="list-style-type: none"> <li>• Council has no authority to ban the sale of alcohol: <ul style="list-style-type: none"> <li>○ in an alcohol ban area due to a legislative exception for licensed premises to continue to sell or supply alcohol (including at an event).<sup>12</sup></li> <li>○ at events as operators are allowed to apply for a special licence and applications must be assessed against legislative criteria.<sup>13</sup></li> </ul> </li> <li>• Council can however make council events alcohol-free, and 'Christmas in the Park' is already an alcohol-free event.</li> </ul>	
<p><b>Comment (ease of understanding)</b></p> <ul style="list-style-type: none"> <li>• Ensure the Bylaw is simple and easy to understand.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposals 2 and 3 aim to clarify the Bylaw wording to make it easier to read, understand and comply with.</li> </ul>	
<p><b>Public feedback topic (Additional matters)</b></p> <p><b>Comment (The Eden Park Trust)</b></p> <ul style="list-style-type: none"> <li>• Confirm whether the proposal was communicated directly to residents of streets neighbouring Eden Park, the Dominion Road Business Association and Fringe District (Kingsland Business Association).</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial and non-residential premises in the area surrounding Eden Park were directly notified of the consultation by email or post.</li> <li>• Local boards were directly notified of the consultation and ways their communities could provide feedback.</li> </ul>	<p><b>Panel recommendation</b></p> <p>The Panel considers that comments be noted.  <b>OR</b>  [Panel to insert].</p>

<sup>12</sup> Section 147(1) of the Local Government Act 2002.

<sup>13</sup> Section 105 of the Sale and Supply of Alcohol Act 2012.



**ATTACHMENT B**  
**STATEMENT OF PROPOSAL**



# Helping to protect the public

## Reducing alcohol-related crime and disorder

*Enabling alcohol bans to be made that prohibit alcohol in certain public places where crime or disorder is caused or made worse by alcohol consumed there*



Statement of Proposal to amend the Auckland Council Alcohol Control Bylaw 2014.  
Public consultation takes place from **10 October** to **13 November 2020**.

# 1 Have your say

## Helping to protect the public

Aucklanders drink alcohol in public places every day, for example at a family picnic, licensed venue or concert. Most people drink responsibly and without having any negative impact on others.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents' sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

## How Auckland Council keeps you safe

We use a bylaw to enable us to make alcohol bans that prohibit alcohol in certain public places (for example a park or town centre).

The current ability to make alcohol bans is included in Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarangata Waipiro 2014 / [Auckland Council Alcohol Control Bylaw 2014](#).

## Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

We propose changes to the Bylaw that would:

- make new temporary alcohol bans for all major events at and around Rarotonga / Mount Smart Stadium, Waiōrea / Western Springs Stadium, Eden Park and Pukekawa / Auckland Domain in the Bylaw. These would replace any existing temporary event alcohol bans at these locations
- replace rules covered by existing legislation or council policies about making an alcohol ban and alcohol ban signage. These would instead be included only as 'related information'
- clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarify how council can make temporary alcohol bans
- make the Bylaw wording easier to read and understand.

No feedback is being sought on other aspects of the Bylaw as they will remain **unchanged**, for example:

- existing permanent alcohol bans, except for the temporary alcohol bans proposed to be replaced
- exceptions to alcohol bans for buying and drinking alcohol at licensed premises in an alcohol ban area (including at an event) and the transport of alcohol in an unopened container
- the authority to make alcohol bans by resolution of local boards, the Auckland Domain Committee and the Regulatory Committee
- the existing process to make an alcohol ban.

## We want to know what you think

Starting on **10 October** through to **13 November 2020**, we want you to tell us what you think about the proposed amendments to the Auckland Council Alcohol Control Bylaw 2014.

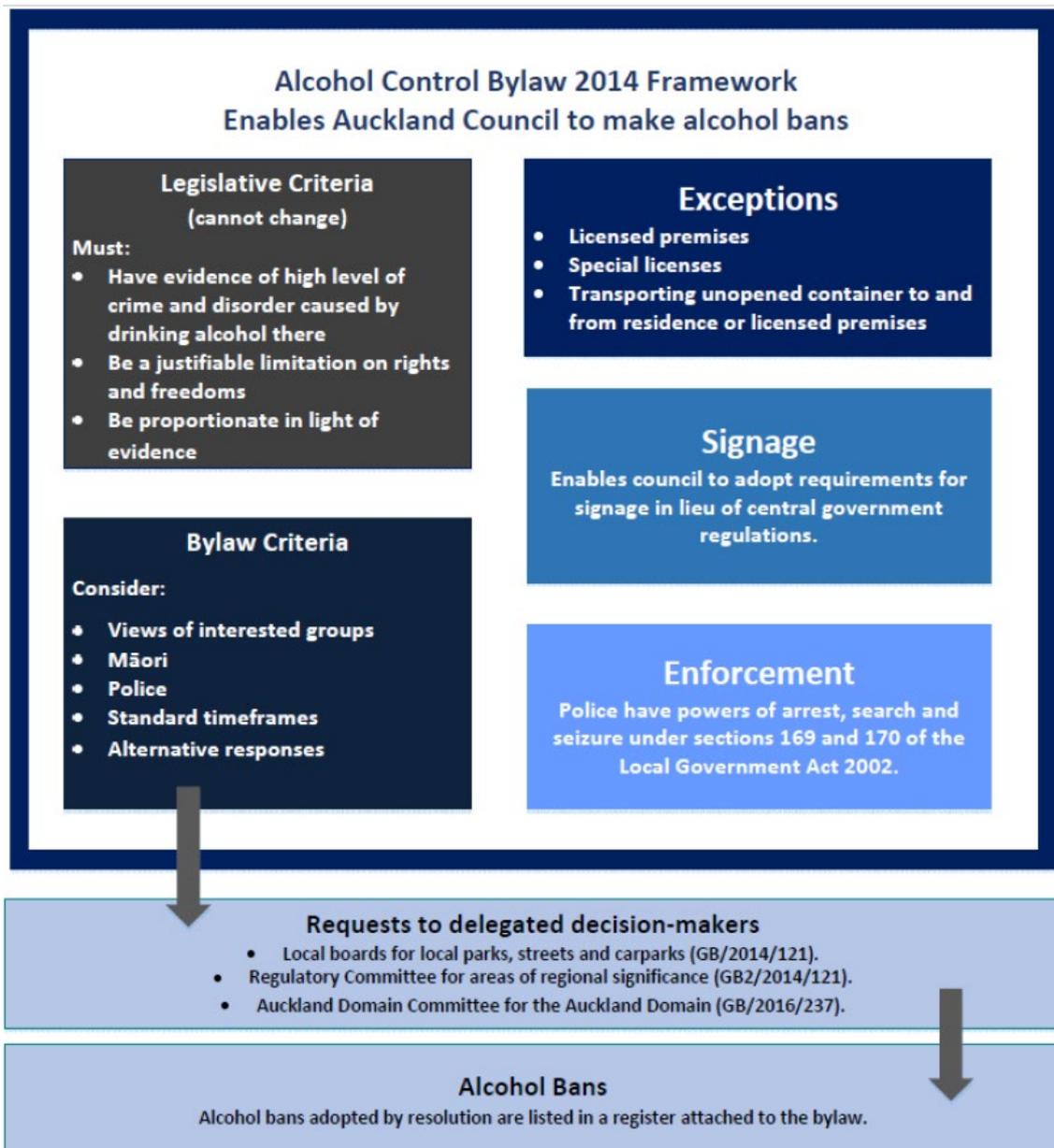
Visit [akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw](http://akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw) for more information and how you can give your feedback, including online, in-person and by phone.

# 2 What is the Bylaw

The Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarangata Waipiro 2014 / [Auckland Council Alcohol Control Bylaw 2014](#) was made on 30 October 2014.

The purpose of the Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. The Bylaw seeks to achieve this by enabling council to make alcohol bans that prohibit alcohol in those public places (including in a vehicle).

## Alcohol Control Bylaw 2014 framework



# 3 What council proposes to change

## Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

Council is proposing to better reduce alcohol-related crime and disorder in public places by making amendments to the Alcohol Control Bylaw 2014. The proposed amendments are listed below.

Proposed changes	Reasons for proposed changes
<ul style="list-style-type: none"> <li>• Make new event-based temporary alcohol bans for all major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and Auckland Domain in the Bylaw. The new event-based temporary alcohol bans will replace existing event-based temporary alcohol bans made by resolution<sup>1</sup> for Mount Smart Stadium, Eden Park and Auckland Domain for 'Christmas in the Park' and the Lantern Festival. Changes to these existing resolutions would:               <ul style="list-style-type: none"> <li>○ for Mount Smart Stadium extend the ban to apply to all major events, not only concerts</li> <li>○ for Eden Park extend the ban to include Eden Park stadium, and two fan trails if they are activated as part of the event<sup>2</sup></li> <li>○ for Auckland Domain extend the ban to all major events (not only the Lantern Festival) and change the ban time to start and finish one hour earlier (between 6am and 6am instead of 7am and 7am). The ban for the Auckland Domain 'Christmas in the Park' event would remain unchanged.</li> </ul> </li> <li>• Use a related information note to replace rules about making an alcohol ban and alcohol ban signage that are covered by existing legislation or council policies.</li> <li>• Clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarify how council can make temporary alcohol bans and the Bylaw wording.</li> </ul>	<p><b>New event-based temporary alcohol bans made in the Bylaw:</b></p> <ul style="list-style-type: none"> <li>• more easily enable a preventative approach to alcohol-related crime or disorder at or near event venues used for major events</li> <li>• remove time and cost to process individual requests for event-based temporary alcohol bans where:               <ul style="list-style-type: none"> <li>○ the event venue has been and will continue to be used for major events</li> <li>○ a ban has been used in the past for major events at the event venue and Police and event organisers indicate a ban is needed in the future.</li> </ul> </li> <li>• create more consistent event-based temporary alcohol ban times and application.</li> </ul> <p><b>Replacing some clauses with related information notes and providing clarifications:</b></p> <ul style="list-style-type: none"> <li>• replaces rules that duplicate existing legislation or council policies but keeps content as extra information</li> <li>• provides rules that are easier to read and understand.</li> </ul>

If you want to know more, **Appendix A** shows what the proposed amended Alcohol Control Bylaw would look like. **Appendix B** provides a copy of the existing Alcohol Control Bylaw 2014. **Appendix C** provides a summary of the differences between the existing and amended bylaw.

<sup>1</sup> MT/2017/144 (Mt Smart); AE/2015/119 (Eden Park); RBC/2015/41 and WTM/2016/110 (Christmas in the Park); ADC/2017/43 (Lantern Festival).

<sup>2</sup> There are two Eden Park Fan Trails designed for fans to walk to Eden Park. One starts at Ponsonby Road (activated on 'match days') and one starts at Queen Street (last used during the 2011 Rugby World Cup).

# 4 How we implement the Bylaw

## **Making decisions using evidence**

Council uses evidence to decide whether to make, amend or replace an alcohol ban by resolution.

Before making an alcohol ban by resolution, the [Local Government Act 2002](#) requires council to be satisfied that there is evidence of a high level of crime or disorder in the area which has been caused by or made worse by alcohol consumption in that same area.

Evidence can include witness accounts of crime or disorder, photos of litter or damage, and callouts to council noise control and the Police. The [Local Government Act 2002](#) also requires any alcohol ban to be appropriate and proportionate in terms of the nature and scale of the crime or disorder and justifiable as a reasonable limitation on people's rights and freedoms.

## **Erecting and maintaining signage**

Council erects and maintains alcohol ban signage. Signage informs people of the alcohol ban area and hours. An internal policy guides the form and placement of alcohol ban signage.

## **Police enforcement of alcohol bans**

The New Zealand Police are responsible for enforcing alcohol bans made under the Bylaw.

Anyone can report a breach of an alcohol ban to the Police. Police respond to reports of alcohol ban breaches as soon as possible depending on the nature of the issues and other priorities.

Police may use powers of search, seizure and arrest under the [Local Government Act 2002](#) to enforce alcohol bans. For breaches of alcohol bans, the Police may issue an infringement fee of [\\$250](#).

# 5 How we got here

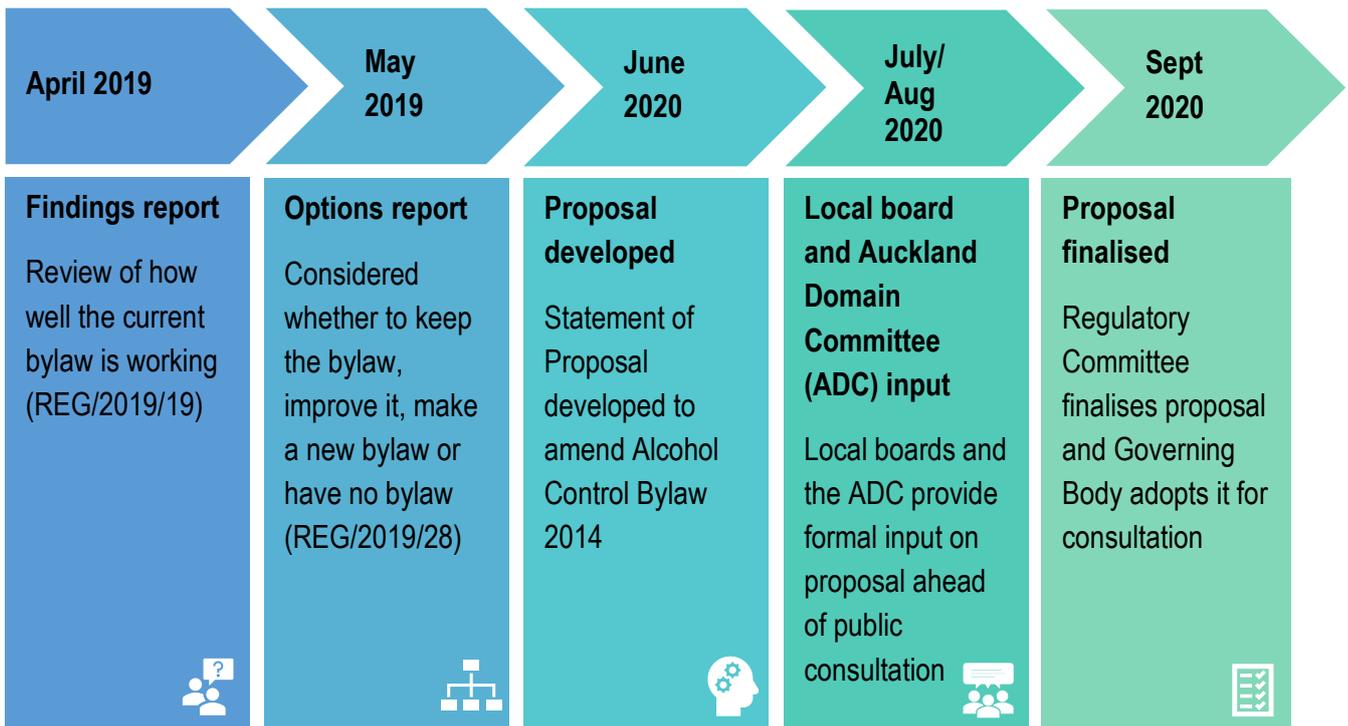
## Decisions leading to the proposed changes

The [Local Government Act 2002](#) requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that the Bylaw is not inconsistent with the [New Zealand Bill of Rights Act 1990](#).

Auckland Council reviewed the existing Bylaw by engaging with stakeholders<sup>3</sup> and undertaking research. Council reported its findings and considered options in response to the findings at meetings in April and May 2019.

This statement of proposal was approved for public consultation by the Governing Body in September 2020. This begins the formal process to make amendments to the Alcohol Control Bylaw 2014.

## Bylaw review and approval process



Go to: [akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw](http://akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw) if you would like to view more information about the above decisions, including the findings from the statutory bylaw review and options we considered to respond to those findings.

<sup>3</sup> Council engaged with a range of stakeholders including the Tūpuna Maunga Authority, the New Zealand Police, Alcohol Harm Watch, Health Promotion Agency, Auckland Regional Public Health Service, Te Puni Kōkiri and Māori public health advocates.

# 6 We want your input

## You have an opportunity to tell us your views.

We would like to know what you think about the proposed amendments to the Alcohol Control Bylaw.

Anyone can give feedback on the proposal, including individuals, organisations and businesses.

## Give us your feedback

Starting on 10 October 2020 through to 13 November 2020 we are asking for feedback on proposed amendments to the Auckland Council Alcohol Control Bylaw 2014. Anyone can give feedback.

You can give your feedback by:

- completing the online feedback form
- giving feedback at an in-person or online drop-in session
- giving feedback by phone, or emailing or posting the feedback form to us.

Visit [akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw](http://akhaveyoursay.aucklandcouncil.govt.nz/alcohol-control-bylaw) for more information.

*Online services are available at our libraries.*

*Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.*

**Appendix A: Proposed amended Auckland Council Alcohol Control Bylaw 2020**



# Te Ture ā-Rohe Whakararata Waipiro 2014 Alcohol Control Bylaw 2014

(as at **dd month 2021**)

made by the Governing Body of Auckland Council

in resolution GB/2014/121

on 30 October 2014

Bylaw made under [sections 145](#) and [147](#) of the Local Government Act 2002.

### Summary

This summary is not part of the Bylaw but explains the general effects.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.

This can negatively affect nearby residents' sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –

- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event-based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council's [website](#)).

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of \$250 infringement fines (Part 4)
- ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).

Cover page reformatted and Summary inserted in accordance with Clause 2(2).

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## 1 Title

- (1) This Bylaw is the Te Ture ā-Rohe Whakarangata Waipiro 2014 / Alcohol Control Bylaw 2014.

Clause 1 amended in accordance with Clause 2(2).

## 2 Commencement

- (1) This Bylaw comes into force on 18 December 2014.
- (2) Amendments to this Bylaw by resolution GB/####/## come into force on 01 June 2021.

### Related information about amendments

Council decided on dd month year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:

- making new event-based temporary alcohol bans in Schedule 1
- using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council's ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).

## 3 Application

- (1) This Bylaw applies to Auckland.

### Part 1

#### Preliminary provisions

## 4 Purpose

- (1) The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.

Clause 4 amended in accordance with Clause 2(2).

## 5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, –  
**Alcohol** has the meaning given by [section 5\(1\)](#) of the Sale and Supply of Alcohol Act 2012.

**Auckland** has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

**Related information**

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



**Christmas / New Year holiday period** means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the [Holidays Act 2003](#).

**Council** means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

**Related information about who can make an alcohol ban**

- Council has delegated the making of alcohol bans by resolution under clause 7 to –
- local boards for local parks, streets and car parks as at 30 October 2014 (GB/2014/121)
  - the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB2/2014/121)
  - the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB/2016/237).

The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.

**Public holiday** has the same meaning given in the [Holidays Act 2003](#).

**Public place** has the meaning given by [section 147](#) of the Local Government Act 2002.

**Related information**

- The Local Government Act 2002 (as reprinted on 1 July 2018) states a public place –
- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
  - (b) does not include licensed premises.

**Vehicle** has the meaning given by [section 2\(1\)](#) of the Land Transport Act 1998.

- (2) Related information and links do not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (3) The [Interpretation Act 1999](#) applies to this Bylaw.

Clause 5 amended in accordance with Clause 2(2).

## Part 2

### Alcohol consumption and possession in public places

#### 6 Alcohol prohibited in public places where an alcohol ban applies

- (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 ban made by council in accordance with clause 7 of this Bylaw applies; or
  - (b) an alcohol ban in a Schedule of this Bylaw applies.
- (2) However, subclause (1) does not apply in those circumstances described in section [147\(4\)](#) or section [147\(1\)\(b\)](#) of the Local Government Act 2002.

#### **Related information about alcohol bans**

A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council's [website](#).

#### **Related information about exceptions – Transport of alcohol**

In [section 147\(4\)](#) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to,—

- “(a) the transport of the alcohol from licensed premises next to a public place, if—
- (i) it was lawfully bought on those premises for consumption off those premises; and
  - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
- (i) the transport is undertaken by a resident of those premises; and
  - (ii) the alcohol is promptly removed from the public place.”

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend's house.

#### **Related information about exceptions – Licensed premises**

In section [147\(1\)\(b\)](#) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 ([Subpart 1 of Part 2](#)). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.

Clause 6 amended in accordance with Clause 2(2).

## Part 3 Controls

### 7 Council may make an alcohol ban

- (1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
  - (a) the consumption, bringing or possession of alcohol in public places; and
  - (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.
- (2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

### 8 Procedure for making an alcohol ban

- (1) Council must, before making an alcohol ban in clause 7 –
  - (a) comply with decision-making requirements under the Local Government Act 2002; and
  - (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –
    - (i) 24 hours, 7 days a week (at all times alcohol ban);
    - (ii) 7pm to 7am daily (evening alcohol ban);
    - (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);
    - (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

#### **Related information about making an alcohol ban**

- An alcohol ban may be permanent or temporary:
  - a permanent alcohol ban applies to a place for long periods (for example a town centre or park 24 hours 7 days a week or 7pm to 7am daily)
  - a temporary alcohol ban applies to large scale events (for example a major concert, festival or sporting event).
- Council may make a permanent or temporary alcohol ban under clause 7 at a meeting of a local board, the Auckland Domain Committee or the Regulatory Committee or directly in a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban. The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections [147B](#) (for resolutions) and [147A](#) (for bylaws). The criteria cannot be changed by council.
- For alcohol bans made by resolution or in a bylaw, the statutory criteria requires:

- evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area
  - the ban to be appropriate and proportionate in light of the crime or disorder
  - the ban to be justified as a reasonable limitation on people's rights and freedoms.
  - For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people's rights and freedoms.
  - Before making a decision, council must also comply with the general decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002 (as reprinted on 26 March 2020). This could include considering –
    - complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Māori or Pacific Wardens
    - views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police
    - the nature, severity and frequency of alcohol-related crime or disorder
    - whether the crime or disorder is a result of displacement from an existing alcohol ban
    - whether an alcohol ban would result in displacement of the crime or disorder
    - whether a [Crime Prevention through Environmental Design](#) assessment is needed.
  - Council must under clause 8 consider standard times to improve consistency in Auckland, however it may also consider other times more appropriate and proportionate in light of evidence.
- Related information about making an alcohol ban – making a request**
- Members of the public (for example community groups, businesses and the New Zealand Police) may request council to make an alcohol ban at any time, with supporting evidence.
- Related information about alcohol ban signage**
- Council uses alcohol ban signage to inform, educate and assist with enforcement.
  - The Governor General may use [section 147C](#) of the Local Government Act 2002 (as reprinted on 26 March 2020) to make rules about alcohol ban signage. No rules have been made to date.

Clause 8 replaced in accordance with Clause 2(2).

## Part 4

### Enforcement powers, offences and penalties

#### 9 Police can use statutory powers and other methods to enforce this Bylaw

- (1) A Police constable may use their powers under the [Local Government Act 2002](#) to enforce this Bylaw.

**Related information about enforcement**

The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections [169](#) and [170](#) of the Local Government Act 2002 (as reprinted on 26 March 2020).

Clause 9 amended in accordance with Clause 2(2).

## 10 A person can be penalised for not complying with this Bylaw

- (1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the [Local Government Act 2002](#).

### Related information about penalties

A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of \$250 under [section 4](#) of the Local Government (Alcohol Ban Breaches) Regulations 2013 (as printed on 18 December 2013).

Clause 10 amended in accordance with Clause 2(2).

## Part 5

### Savings and transitional provisions

## 11 Existing resolutions continue to apply

- (1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.
- (2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.

Clause 11 inserted in accordance with Clause 2(2).

## 12 Existing inquiries to be completed under this Bylaw

- (1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.

Clause 12 inserted in accordance with Clause 2(2).

Schedule 1

Event-Based Temporary Alcohol Bans

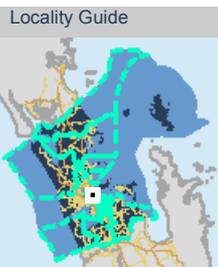
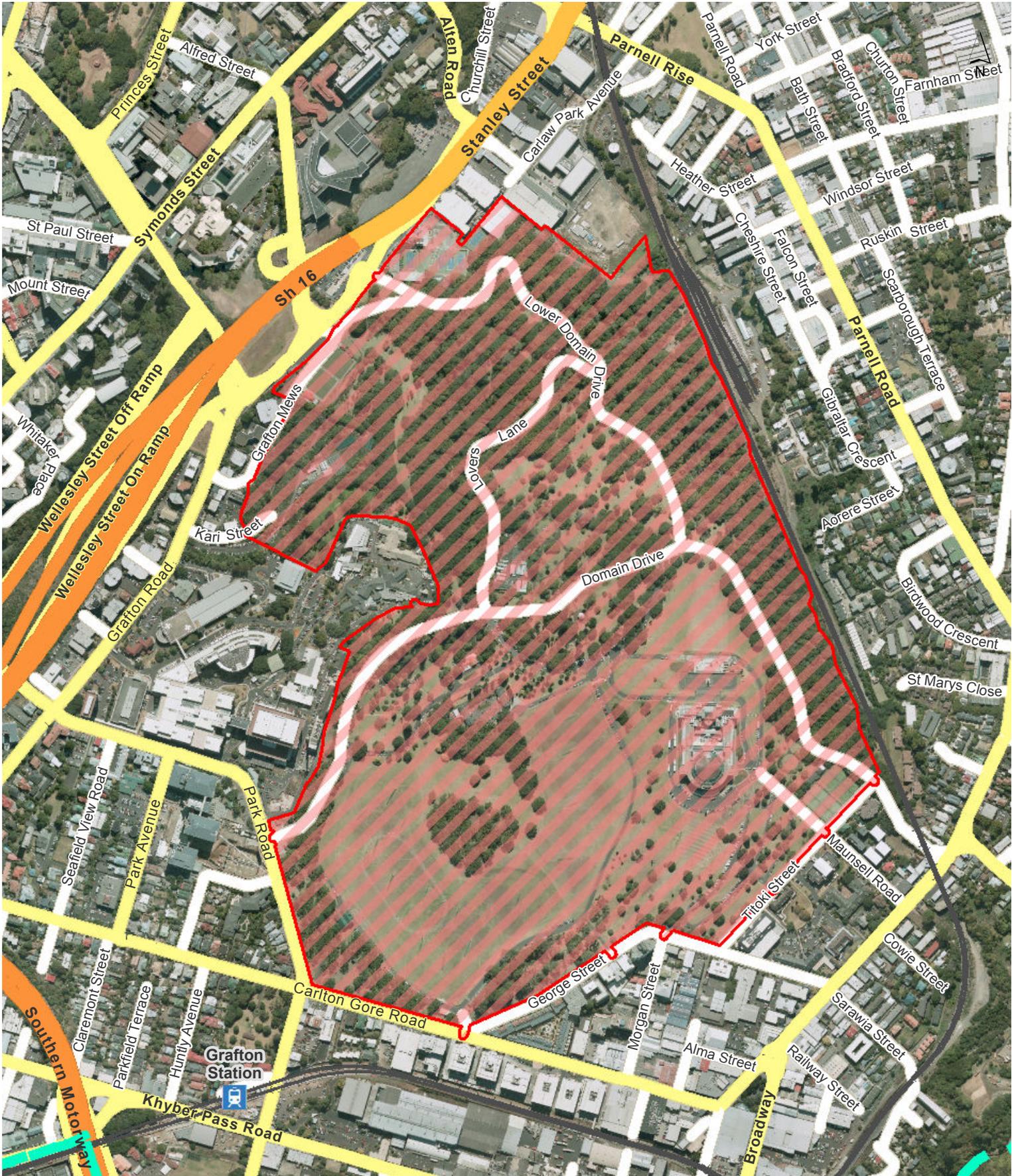
Name	Alcohol Ban Area	Operative Time	Map number
<ul style="list-style-type: none"> <li>Auckland Domain major events alcohol ban (excluding 'Christmas in the Park')</li> </ul>	<ul style="list-style-type: none"> <li>Auckland Domain</li> <li>Associated carpark areas and sports fields</li> </ul>	6am on the day of any major event at Auckland Domain to 6am on the day after that event	1
<ul style="list-style-type: none"> <li>Auckland Domain 'Christmas in the Park' alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Auckland Domain</li> <li>Associated carpark areas, sports fields and surrounding streets</li> </ul>	4pm on the Friday before any 'Christmas in the Park' event at the Auckland Domain to 8am on the following Monday after that event	2
<ul style="list-style-type: none"> <li>Eden Park major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Eden Park</li> <li>Surrounding streets</li> </ul>	12 hours before any major event at Eden Park to 12 hours after that event	3
	<ul style="list-style-type: none"> <li>Fan Trail 1: Ponsonby Road to Eden Park or Fan Trail 2: Queen Street to Eden Park, if activated as part of the event</li> </ul>		3A 3B
<ul style="list-style-type: none"> <li>Mt Smart Stadium major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Mt Smart Stadium</li> <li>Surrounding streets</li> </ul>	6am on the day of any major event at Mt Smart Stadium to 6am on the day after that event	4
<ul style="list-style-type: none"> <li>Western Springs Stadium major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Western Springs Stadium</li> <li>Western Springs Lakeside</li> <li>Western Springs Outer Fields</li> <li>Surrounding streets</li> </ul>	6am on the day of any major event at Western Springs Stadium to 6am on the day after that event	5

**In this Schedule:**

- "Major events" has the same meaning as "large scale events" in section [147A](#) of the Local Government Act 2002.
- The alcohol bans in the table above apply if a major event is held on all or part of a venue stated.

**Related information about event-based (temporary) alcohol bans**

- More information on major events can be found in council's [Events Policy](#). The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on 'match days', starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Street.



**Auckland Domain - Major events (excluding Christmas in the Park)**

Regional

Hours of Operation: 6am on the first day of the event until 6am on the day after the event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.

0 60 120 180 m

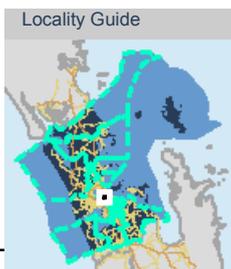
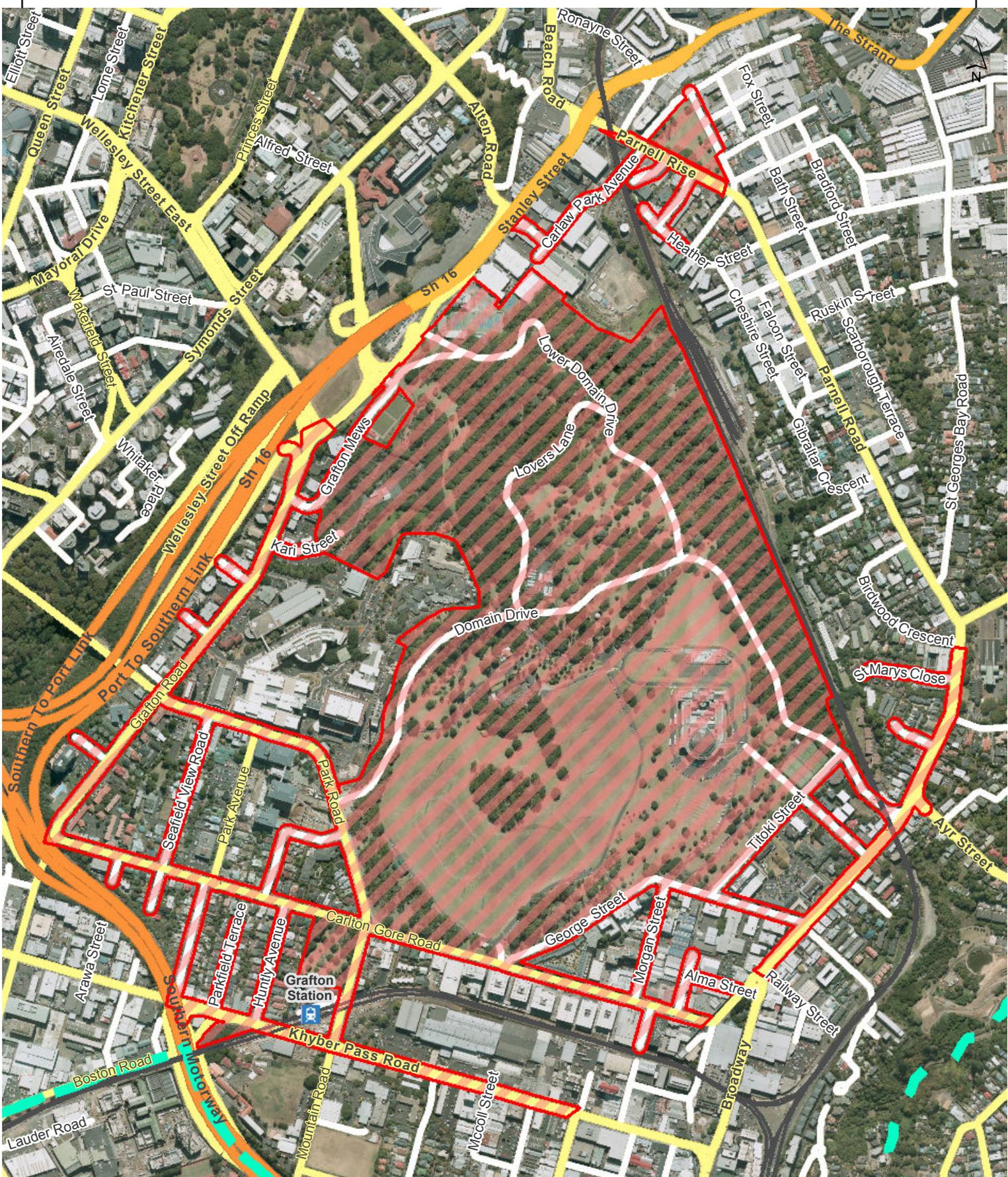
Scale @ A4 = 1:7,500

Date Printed: 9/01/2018



**Auckland Council**

*Te Kaunihera o Tāmaki Makaurau*



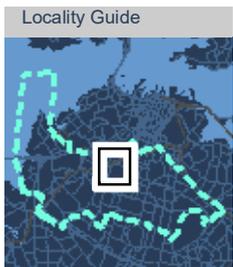
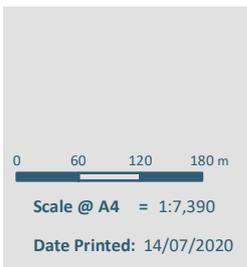
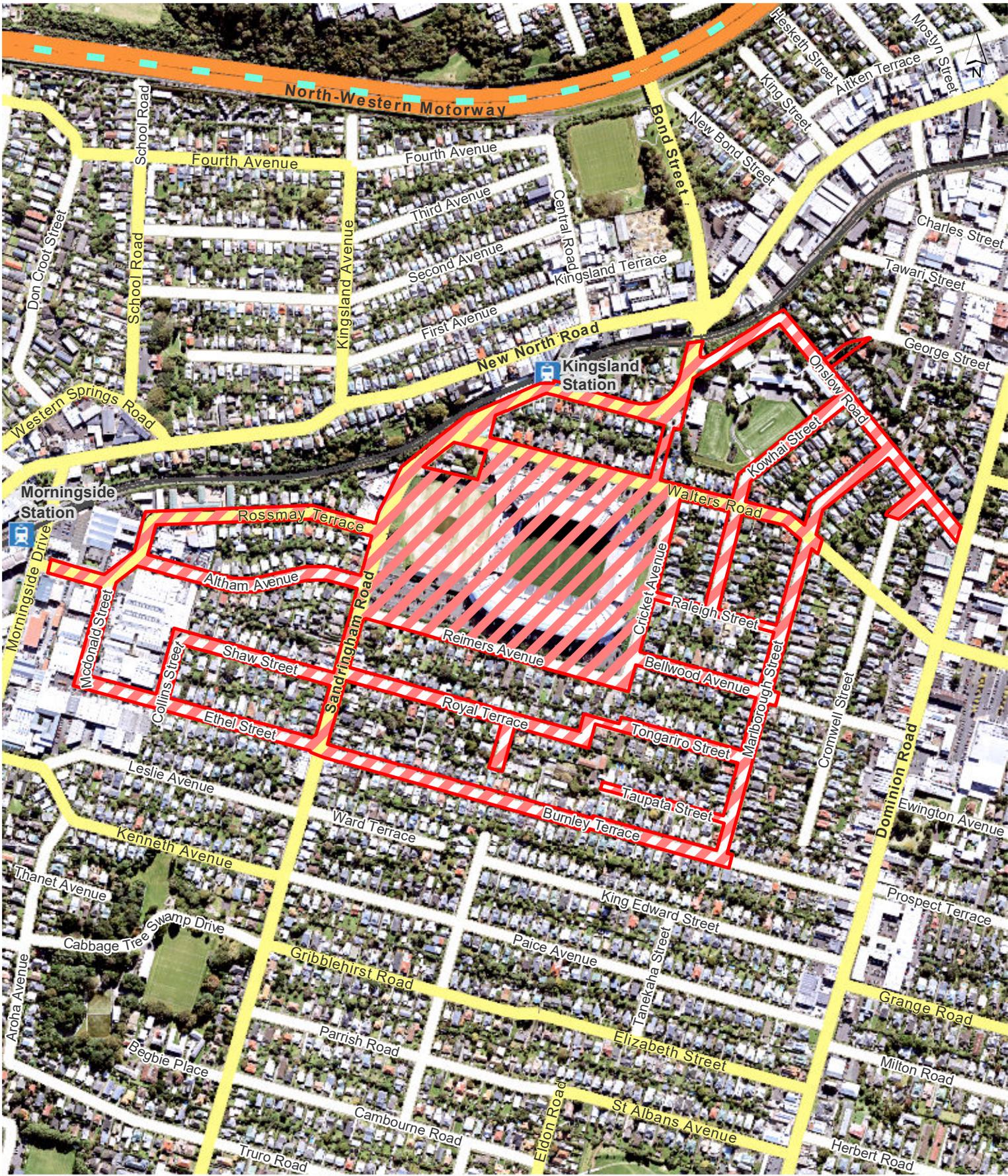
**Auckland Domain - Christmas in the Park**

**Regional**  
 Hours of Operation: From 4pm on the Friday before the event to 8am on the following Monday after the event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.



**Auckland Council**  
 Te Kaunihera o Tāmaki Makaurau

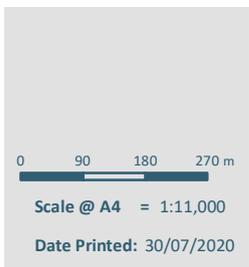
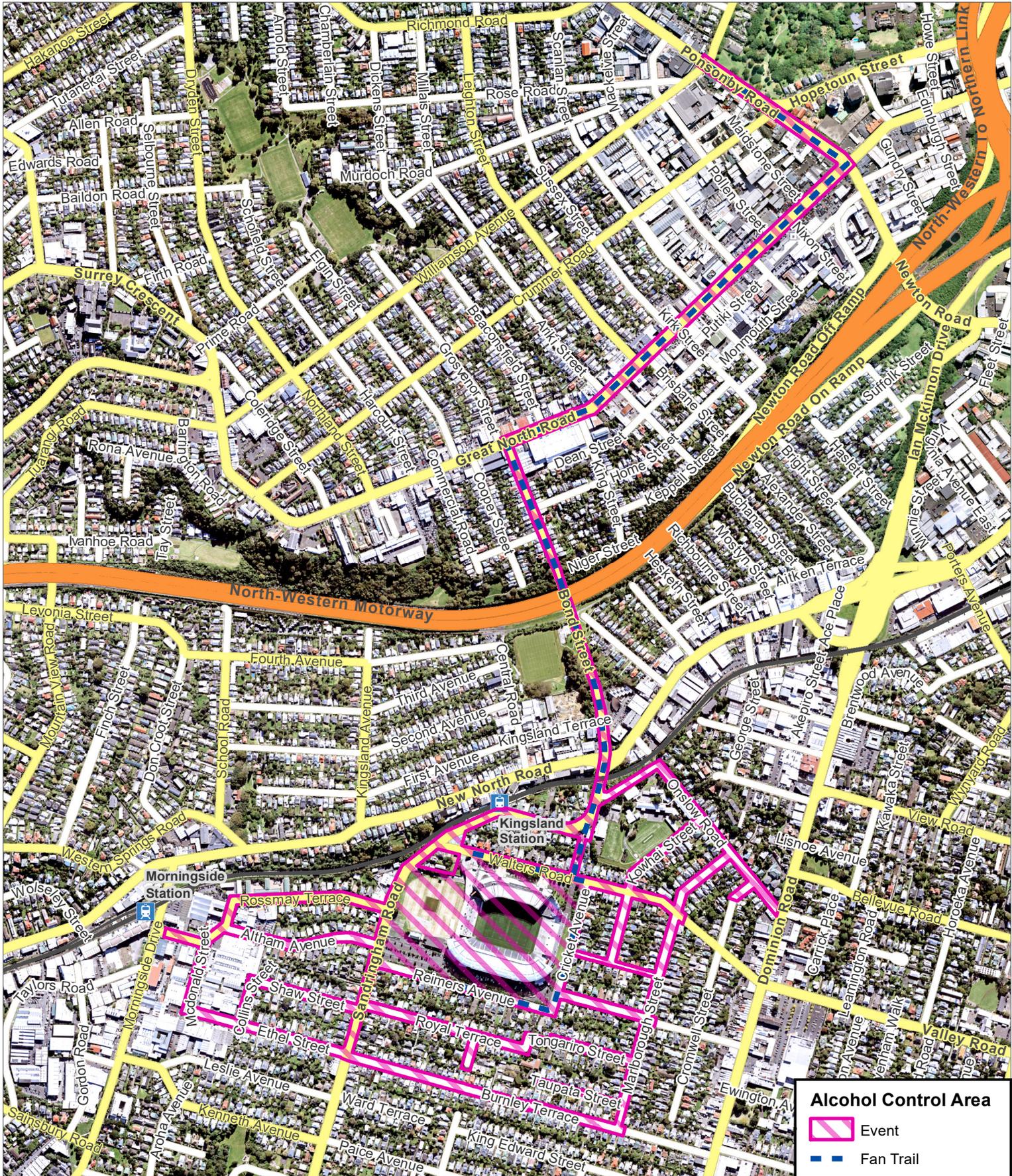


### Eden Park - Major events

Regional  
 Hours of Operation: 12 hours before and after an event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.



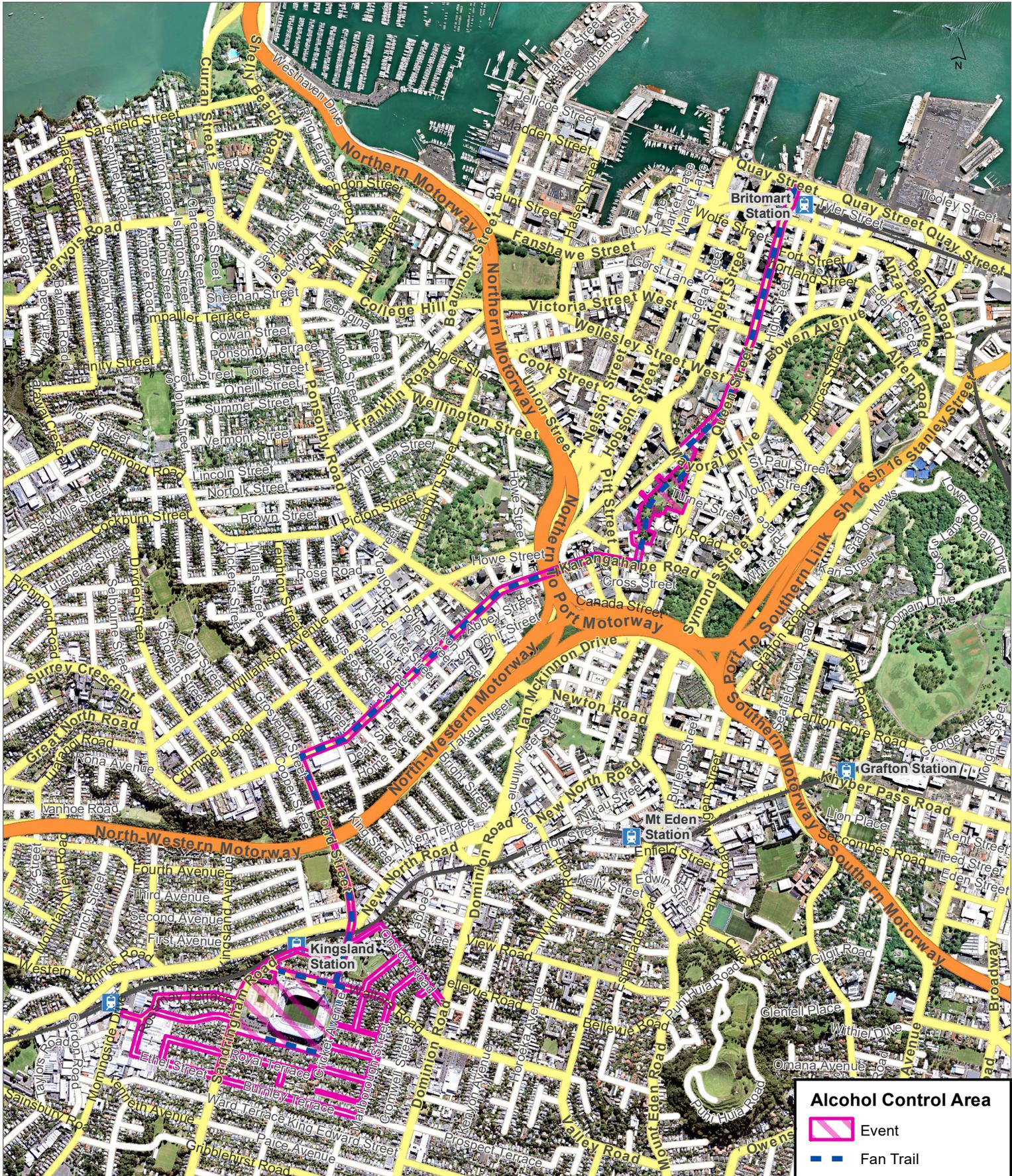


**Fan Trail 1: Ponsonby Road to Eden Park**

Applies if activated as part of a major event at Eden Park.

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence





**Alcohol Control Area**

-  Event
-  Fan Trail

0 180 360 540 m

Scale @ A4 = 1:21,000

Date Printed: 30/07/2020

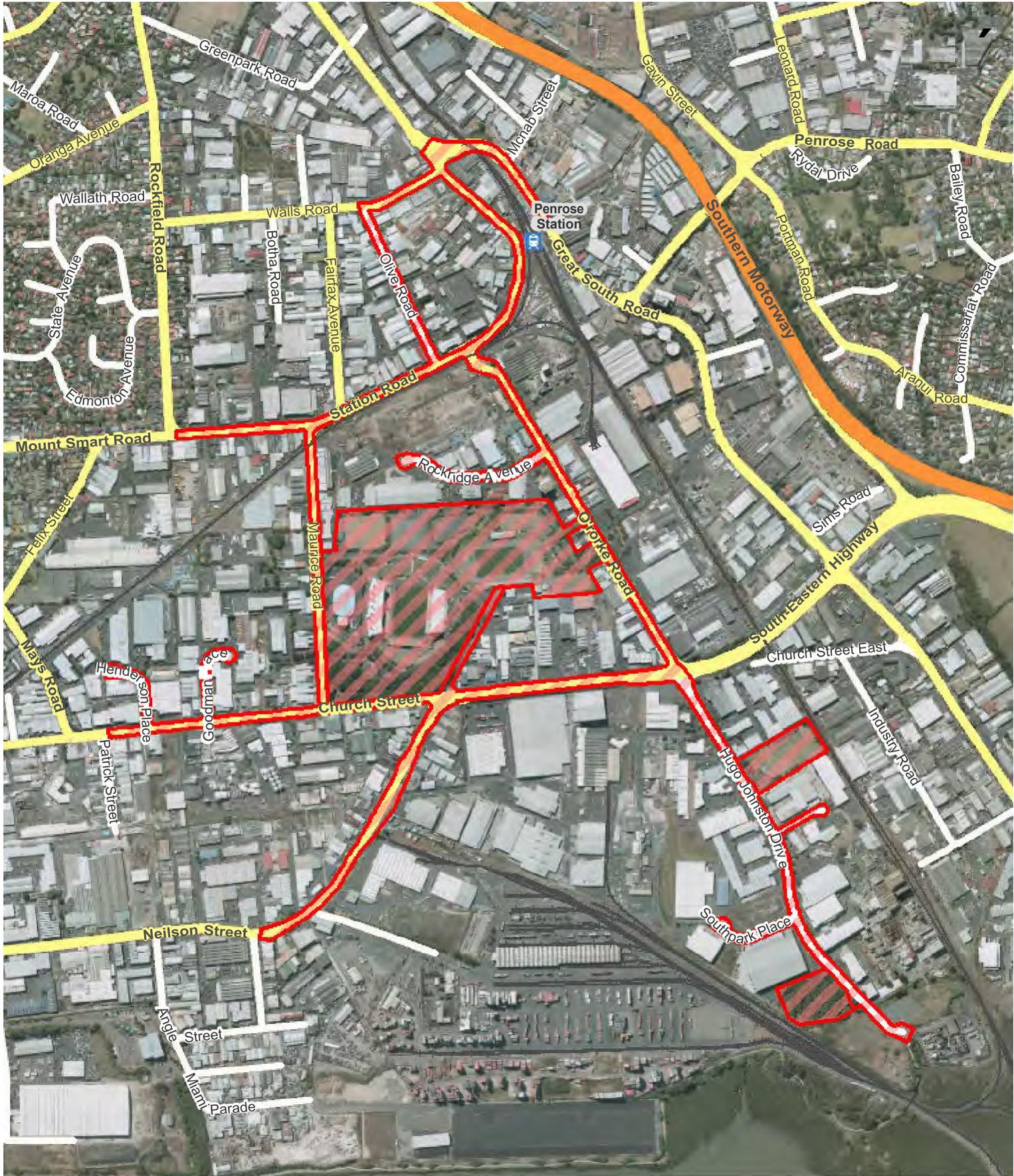


**Fan Trail 2: Queen Street to Eden Park**

Applies if activated as part of a major event at Eden Park.

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence





**Mt Smart Stadium - Major events**

**Regional**  
 Hours of Operation: 6am on the day of the event to 6am the day after the event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.





**Related information, Bylaw history**

<b>Date</b>	<b>Description</b>
01 November 2010	<b>Made</b> legacy bylaws about alcohol control <sup>1</sup> ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)
01 November 2010	<b>Commencement</b> of legacy bylaws about alcohol control ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)
22 July 2014	<b>Review</b> of legacy bylaws about alcohol control completed (RBC/2014/27)
31 July 2014	<b>Proposal</b> to make new bylaw about alcohol control and to revoke legacy bylaws (GB/2014/70)
30 October 2014	<b>Made</b> the Auckland Council Alcohol Control Bylaw 2014 (GB/2014/121)
19 November 2014	<b>Public notice</b> of making of the Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws
18 December 2014	<b>Commencement</b> of Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws (GB/2014/121)
11 April 2019	<b>Review</b> of Auckland Council Alcohol Control Bylaw 2014 completed (REG/2019/19)
24 September 2020	<b>Proposal</b> to make a new bylaw about alcohol control (GB/2020/##)
## April 2021	<b>Amended</b> the Auckland Council Alcohol Control Bylaw 2014 (GB/2021/##)
<b>TBC</b>	<b>Public notice</b> of amending the Auckland Council Alcohol Control Bylaw 2014
01 June 2021	<b>Commencement</b> of amendments to the Auckland Council Alcohol Control Bylaw 2014 (GB/2021/##).

<sup>1</sup> Legacy bylaws made: Auckland City Council No. 14 Liquor Control in Public Places Bylaw 2004, Franklin District Council Liquor Control Bylaw 2008, Chapter 11 (Liquor Control) of the Manukau City Consolidated Bylaw 2008, Part 24 (Control of consumption of liquor) of the North Shore City Council Bylaw 2000, Papakura District Council Liquor Control in Public Places Bylaw 2008, Chapter 16 (Liquor) of the Rodney District Council General Bylaw 1998 and Waitakere City Council Control of Liquor in Public Places Bylaw 2008.

**Related information, next bylaw review**

This Bylaw must be reviewed by 11 April 2029. If not reviewed by this date, the Bylaw will expire on 11 April 2031.

Find out more: **phone 09 301 0101**  
or visit **[aucklandCouncil.govt.nz](http://aucklandCouncil.govt.nz)**





**Alcohol Control Bylaw 2014**  
**Te Ture a Rohe Whakararata Waipiro 2014**  
(as at 30 October 2014)

**Made by Governing Body of Auckland Council**

**Resolution in Council**

**30 October 2014**

Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.

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6	Alcohol bans .....	4
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**Part 1**  
**Preliminary provisions**

**1 Title**

(1) This bylaw is the Alcohol Control Bylaw 2014.

**2 Commencement**

(1) This bylaw comes into force on 18 December 2014.

**3 Application**

(1) This bylaw applies to Auckland.

**4 Purpose**

(1) The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.

**5 Interpretation**

(1) In this bylaw, unless the context otherwise requires, -

**Auckland** has the meaning given by the Local Government (Auckland Council) Act 2010.

*Explanatory Note: As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 "...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))".*

**Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

*Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means a substance—*

- (a) *that—*
- (i) *is or contains a fermented, distilled, or spirituous liquor; and*
  - (ii) *at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or*
- (b) *that—*
- (i) *is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and*
  - (ii) *is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or*
- (c) *that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people."*

**Christmas / New Year holiday period** means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the Holidays Act 2003.

*Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the*

*public holiday must be treated as falling on the following Monday or Tuesday respectively.*

**Community-focused solutions** mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.

**Council** means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

*Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.*

**Licensed premises** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

*Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held."*

**Public holiday** has the same meaning given in the Holidays Act 2003.

*Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means "...*

- (a) Christmas Day:*
- (b) Boxing Day:*
- (c) New Year's Day:*
- (d) 2 January:*
- (e) Waitangi Day:*
- (f) Good Friday:*
- (g) Easter Monday:*
- (h) ANZAC Day:*
- (i) the birthday of the reigning Sovereign (observed on the first Monday in June):*
- (j) Labour Day (being the fourth Monday in October):*
- (k) the day of the anniversary of a province or the day locally observed as that day."*

**Public place** has the meaning given by section 147 of the Local Government Act 2002.

*Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 "...*

- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but*
- (b) does not include licensed premises."*

- (2) The Interpretation Act 1999 applies to this bylaw.
- (3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

## **Part 2 Control of alcohol**

### **6 Alcohol bans**

- (1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

*Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances "...*

- (a) *the transport of the alcohol from licensed premises next to a public place, if—*
  - (i) *it was lawfully bought on those premises for consumption off those premises; and*
  - (ii) *it is promptly removed from the public place; or*
- (b) *the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or*
- (c) *the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or*
- (d) *the transport of the alcohol from premises next to a public place to a place outside the public place if—*
  - (i) *the transport is undertaken by a resident of those premises; and*
  - (ii) *the alcohol is promptly removed from the public place."*

### **7 Making alcohol bans**

- (1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
  - (a) the consumption, bringing into or possession of alcohol in public places; and
  - (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.
- (2) The council must, before making an alcohol ban in clause 7(1) –
  - (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and
  - (b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and

- (c) comply with the criteria under section 147B of the Local Government Act 2002 as follows
  - (i) be satisfied that there is documented evidence that the area to which the alcohol ban 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
  - (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms; and
- (e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and
- (f) consider the views of the New Zealand Police; and
- (g) consider the views of Maori; and
- (h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and
- (i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –
  - (i) 24 hours, 7 days a week (at all times alcohol ban);
  - (ii) 7pm to 7am daily (evening alcohol ban);
  - (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);
  - (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

*Explanatory note: The times in clause 7(2)(f) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(2)(c) that requires alcohol bans be proportionate in light of the evidence.*

- (3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.

## **8 Signage**

- (1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:
  - (a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;
  - (b) describe the placement of the signs
  - (c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).

**Part 3**  
**Enforcement, offences, penalties**

**9 Enforcement**

- (1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.
- (2) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

*Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.*

**10 Offences and penalties**

- (1) Every person who breaches this bylaw commits an offence.
- (2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

*Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.*

## **Additional Information to Alcohol Control Bylaw 2014**

**This document contains matters for information purposes only and does not form part of any bylaw. It includes matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance of a bylaw. The information contained in this document may be updated at any time.**

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## Section 1 History of Bylaw

Action	Description	Date of Decision	Decision Reference	Commencement
Make	<p>Following liquor control bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council</p> <ul style="list-style-type: none"> <li>• Auckland City Council, Part 14 Liquor Control in Public Places</li> <li>• Franklin District Council, Liquor Control Bylaw 2008</li> <li>• Manukau City Council, Chapter 11 Liquor Control</li> <li>• North Shore City Council, Part 24 Control of consumption of liquor</li> <li>• Papakura District Council, Liquor Control in Public Places Bylaw 2008</li> <li>• Rodney District Council, Chapter 16 Liquor Bylaw</li> <li>• Waitakere City Council, Control of Liquor in Public Places Bylaw 2008</li> </ul>	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Lapse	Previous liquor control bylaws (and consequently any resolutions made pursuant to those bylaws) to be allowed to lapse.	30 Oct 2014	GB/2014/121	31 Oct 2015
Make	Review of liquor control bylaws resulted in replacing the seven previous liquor control bylaws with the Alcohol Control Bylaw 2014.	30 Oct 2014	GB/2014/121	18 Dec 2014

## Section 2 Related Documents

Document Title	Description of Document	Location of Document
Decision Minutes and Agenda	Decisions on submissions to Statement of Proposal	<a href="http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_MIN_4575.PDF">http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_MIN_4575.PDF</a>
Hearing Report	Summary of submissions to Statement of Proposal	<a href="http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_AGN_4575_AT.PDF">http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_AGN_4575_AT.PDF</a>
Statement of Proposal	Proposed Alcohol Control Bylaw publicly notified for submissions	<a href="http://infocouncil.aucklandcouncil.govt.nz/Open/2014/07/GB_20140731_AGN_4571_AT.PDF">http://infocouncil.aucklandcouncil.govt.nz/Open/2014/07/GB_20140731_AGN_4571_AT.PDF</a> <a href="http://infocouncil.aucklandcouncil.govt.nz/Open/2014/07/GB_20140731_AGN_4571_AT.PDF">http://infocouncil.aucklandcouncil.govt.nz/Open/2014/07/GB_20140731_AGN_4571_AT.PDF</a>

		<a href="http://ncil.govt.nz/Open/2014/07/GB_20140731_ATT_4571_EXCLUDED.PDF">ncil.govt.nz/Open/2014/07/GB_20140731_ATT_4571_EXCLUDED.PDF</a>
Auckland Council Whanau Internal Strategy to Minimise Alcohol-related Harm 2016	Establishes overarching direction through a vision, "Auckland Council whānau, actively contributing to a safe, dynamic Auckland free from alcohol-related harm' and includes four outcomes and a detailed programme plan to operationalise the strategy.	<a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>
Local Government Act 2002	Legislation	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government (Alcohol Ban Breaches) Regulations 2013	Legislation	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government (Auckland Transitional Provisions) Act 2010	Legislation	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretations Act 2009	Provides for certain matters related to the interpretation of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

**Section 3**  
**Delegations for matters contained in bylaw**

	<b>Function, Duty, Power to be Delegated</b>	<b>Delegated Authority</b>	<b>Date of Delegation Decision</b>	<b>Decision Reference</b>	<b>Commencement of Delegation</b>
n/a	Oversight of regulatory performance	The Regulatory Committee	7 Nov 2013	GB/2013/132 and GB/2016/237	7 Nov 2013
CI 7	Make, amend revoke permanent* <sup>1</sup> and temporary* <sup>2</sup> alcohol ban.	Regulatory Committee in relation to any public place described in * <sup>3</sup>	30 Oct 2014	GB/2014/121	18 Dec 2014
	Make, amend or revoke permanent* <sup>1</sup> and temporary* <sup>2</sup> alcohol ban.	Local boards in relation to any public place excluding those public places described in * <sup>3</sup>	30 Oct 2014	GB/2014/121	18 Dec 2014

- \*1 Permanent means an alcohol ban that applies for an indefinite period (e.g. 24/7, daily 9pm to 6am, public holidays).
- \*2 A temporary alcohol ban applies on specified dates or in relation to specified events (e.g. Christmas in the park). Decisions on temporary alcohol bans may authorise the use of enhanced search provisions under section 170(2) of the Local Government Act 2002.
- \*3 The Regulatory and Bylaws Committee has decision-making responsibility in relation to alcohol bans on –
- Any public place for which the Governing Body retains decision-making for non-regulatory activities as contained in the Long Term Plan.
  - Any regional park, including any associated park, road, beach or foreshore area.
  - All Tūpuna Maunga over which the Tūpuna Maunga o Tāmaki Makaurau Authority is the Administering Authority, including the Tūpuna Maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

#### **Section 4 Register of current alcohol bans**

*Refer to council website for all alcohol ban maps (<https://www.aucklandcouncil.govt.nz/licences-regulations/alcohol-bans-policies/Pages/alcohol-ban-maps.aspx>).*

#### **Section 5 Enforcement powers for matters contained in bylaw**

Legislative Provision	Description of Legislative Provision
Section 169 and 170 of the Local Government Act 2002	A constable has powers of arrest, search and seizure in relation to alcohol bans.

#### **Section 6 Offences and penalties for matters contained in bylaw**

Provision	Description of Offence	Fine	Infringement Fee	Other Penalty
cl 6	Breach of bylaw	n/a	\$250*	n/a

\* Local Government (Alcohol Ban Breaches) Regulations 2013

#### **Section 7 Monitoring and review for matters contained in bylaw**

Performance Indicator	Measured By	Target

\* None attached at this time.

## Appendix C: Comparison of existing Alcohol Control Bylaw and proposed amended Bylaw

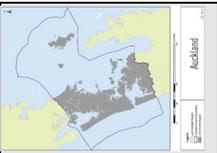
The table below shows the current text of the Alcohol Control Bylaw 2014 compared with proposed amendments.

The proposed amendments in Appendix A prevail in the event of differences between the proposed bylaw in Appendix A and the table below.

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p>Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.</p>	<p>Bylaw made under sections <u>145</u> and <u>147</u> of the Local Government Act 2002.</p> <p><b>Summary</b></p> <p>This summary is not part of the Bylaw but explains the general effects.</p> <p>Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.</p> <p>This can negatively affect nearby residents' sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.</p> <p>The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –</p> <ul style="list-style-type: none"> <li>• using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)</li> <li>• setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)</li> <li>• specifying event-based temporary alcohol bans (Schedule 1)</li> <li>• referencing the full list of alcohol bans and maps (viewable on council's <a href="#">website</a>).</li> </ul> <p>Other parts of this Bylaw assist with its administration by –</p> <ul style="list-style-type: none"> <li>• stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)</li> <li>• stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)</li> <li>• referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of \$250 infringement fines (Part 4)</li> <li>• ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).</li> </ul>	<ul style="list-style-type: none"> <li>• Brevity.</li> <li>• Improves understanding of what the Bylaw does.</li> </ul>
<p>Cover page reformatted and Summary inserted in accordance with Clause 2(2).</p>		

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p><b>1 Title</b>            (1) This bylaw is the Alcohol Control Bylaw 2014.</p> <p><b>2 Commencement</b>            (1) This bylaw comes into force on 18 December 2014.</p> <p><b>3 Application</b>            (1) This bylaw applies to Auckland.</p>	<p><b>1 Title</b>            (1) This Bylaw is the Te Ture ā-Rohe Whakararata Waipiro 2014 / Alcohol Control Bylaw 2014.</p> <p>Clause 1 amended in accordance with Clause 2(2).</p> <p><b>2 Commencement</b>            (1) This Bylaw comes into force on 18 December 2014.            (2) Amendments to this Bylaw by resolution GB/##### come into force on 01 June 2020.</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Related information about amendments</b>              Council decided on dd month year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:</p> <ul style="list-style-type: none"> <li>• making new event-based (temporary) alcohol bans in Schedule 1</li> <li>• using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria</li> <li>• clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council's ability to make temporary alcohol bans.</li> </ul> <p>A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.</p> </div> <p>Clause 2 amended in accordance with Clause 2(2).</p> <p><b>3 Application</b>            (1) This Bylaw applies to Auckland.</p>	<ul style="list-style-type: none"> <li>• Use of te reo Māori implements council's Māori Language Policy.</li> <li>• Improves certainty about what amendments were made and commencement date.</li> </ul>

Existing Bylaw	Bylaw with proposed amendments		Reasons
<p><b>Part 1</b> <b>Preliminary provisions</b></p> <p><b>4 Purpose</b> (1) The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.</p> <p><b>5 Interpretation</b> (1) In this bylaw, unless the context otherwise requires, -</p> <p><b>Alcohol</b> has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.</p> <p><i>Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 " ... means a substance—</i>  <i>(a) that—</i>  <i>(i) is or contains a fermented, distilled, or spirituous liquor; and</i>  <i>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</i>  <i>(b) that—</i>  <i>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</i>  <i>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</i>  <i>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people."</i></p>	<p><b>Part 1</b> <b>Preliminary provisions</b></p> <p><b>4 Purpose</b> (1) The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. Clause 4 amended in accordance with Clause 2(2).</p> <p><b>5 Interpretation</b> (1) In this Bylaw, unless the context otherwise requires, –</p> <p><b>Alcohol</b> has the meaning given by <a href="#">section 5(1)</a> of the Sale and Supply of Alcohol Act 2012.</p>	<ul style="list-style-type: none"> <li>Improves certainty.</li> </ul>	
		<ul style="list-style-type: none"> <li>Brevity as meaning is common knowledge.</li> </ul>	

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p><b>Auckland</b> has the meaning given by the Local Government (Auckland Council) Act 2010.</p> <p><i>Explanatory Note: As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 "...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))".</i></p>	<p><b>Auckland</b> has the meaning given by <a href="#">section 4(1)</a> of the Local Government (Auckland Council) Act 2009.</p> <div data-bbox="229 474 446 1442" style="border: 1px solid black; padding: 5px;"> <p><b>Related information</b></p> <p>The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled <a href="#">LGC-Ak-R1</a>. The boundaries were formally adopted by <a href="#">Order in Council</a> on 15 March 2010, and came into effect on 1 November 2010.</p>  </div>	<ul style="list-style-type: none"> <li>Improves certainty.</li> </ul>
<p><b>Christmas / New Year holiday period</b> means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the Holidays Act 2003.</p> <p><i>Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the public holiday must be treated as falling on the following Monday or Tuesday respectively.</i></p> <p><b>Community-focused solutions</b> mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.</p>	<p><b>Christmas / New Year holiday period</b> means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the <a href="#">Holidays Act 2003</a>.</p>	<ul style="list-style-type: none"> <li>Brevity as meaning is common knowledge.</li> </ul>
		<ul style="list-style-type: none"> <li>Term not used in amended bylaw.</li> </ul>

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p><b>Council</b> means the Governing Body of the Auckland Council or any person delegated to act on its behalf.</p> <p><i>Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.</i></p>	<p><b>Council</b> means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.</p> <p><b>Related information about who can make an alcohol ban</b></p> <p>Council has delegated the making of alcohol bans by resolution under clause 7 to –</p> <ul style="list-style-type: none"> <li>• local boards for local parks, streets and carparks as at 30 October 2014 (GB/2014/121)</li> <li>• the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB2/2014/121)</li> <li>• the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB/2016/237).</li> </ul> <p>The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.</p>	<ul style="list-style-type: none"> <li>• Improves certainty.</li> </ul>
<p><b>Licensed premises</b> has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.</p> <p><i>Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held."</i></p>		<ul style="list-style-type: none"> <li>• Term not used in amended bylaw.</li> </ul>
<p><b>Public holiday</b> has the same meaning given in the Holidays Act 2003.</p> <p><i>Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means "...</i></p> <p>(a) <i>Christmas Day:</i></p> <p>(b) <i>Boxing Day:</i></p> <p>(c) <i>New Year's Day:</i></p> <p>(d) <i>2 January:</i></p> <p>(e) <i>Waitangi Day:</i></p> <p>(f) <i>Good Friday:</i></p> <p>(g) <i>Easter Monday:</i></p> <p>(h) <i>ANZAC Day:</i></p>	<p><b>Public holiday</b> has the same meaning given in the <a href="#">Holidays Act 2003</a>.</p>	<ul style="list-style-type: none"> <li>• Brevity as meaning is common knowledge.</li> </ul>

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p>(i) <i>the birthday of the reigning Sovereign (observed on the first Monday in June):</i></p> <p>(j) <i>Labour Day (being the fourth Monday in October):</i></p> <p>(k) <i>the day of the anniversary of a province or the day locally observed as that day."</i></p> <p><b>Public place</b> has the meaning given by section 147 of the Local Government Act 2002.</p> <p><i>Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 " ...</i></p> <p><i>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but</i></p> <p><i>(b) does not include licensed premises."</i></p>	<p><b>Public place</b> has the meaning given by <a href="#">section 147</a> of the Local Government Act 2002.</p> <div style="border: 1px solid black; padding: 5px; background-color: #f0f0f0;"> <p><b>Related information</b></p> <p>The Local Government Act 2002 (as reprinted on 1 July 2018) states a public place –</p> <p>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but</p> <p>(b) does not include licensed premises.</p> </div>	<ul style="list-style-type: none"> <li>• Easier to read and understand.</li> </ul>
<p>(2) The Interpretation Act 1999 applies to this bylaw.</p> <p>(3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.</p> <p style="text-align: center;"><b>Part 2</b> <b>Control of alcohol</b></p>	<p><b>Vehicle</b> has the meaning given by <a href="#">section 2(1)</a> of the Land Transport Act 1998.</p> <p>(2) Related information and links do not form part of this Bylaw and may be inserted, changed or removed without any formality.</p> <p>(3) The <a href="#">Interpretation Act 1999</a> applies to this Bylaw.</p> <p>Clause 5 amended in accordance with Clause 2(2).</p>	<ul style="list-style-type: none"> <li>• Improves certainty.</li> <li>• Easier to read and understand.</li> </ul>
<p style="text-align: center;"><b>Part 2</b> <b>Control of alcohol</b></p>	<p style="text-align: center;"><b>Part 2</b> <b>Alcohol consumption and possession in public places</b></p>	

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p><b>6 Alcohol bans</b></p> <p>(1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).</p> <p><i>Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances "...</i></p> <p>(a) <i>the transport of the alcohol from licensed premises next to a public place, if—</i></p> <p>(i) <i>it was lawfully bought on those premises for consumption off those premises; and</i></p> <p>(ii) <i>it is promptly removed from the public place; or</i></p> <p>(b) <i>the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises; or</i></p> <p>(c) <i>the transport of the alcohol from outside a public place to licensed premises next to the public place; or</i></p> <p>(d) <i>the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or</i></p>	<p><b>6 Alcohol prohibited in public places where an alcohol ban applies</b></p> <p>(1) A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where –</p> <p>(a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or</p> <p>(b) an alcohol ban in a Schedule of this Bylaw applies.</p> <p>(2) However, subclause (1) does not apply in those circumstances described in section <a href="#">147(4)</a> or section <a href="#">147(1)(b)</a> of the Local Government Act 2002.</p> <p><b>Related information about alcohol bans</b></p> <p>A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council's <a href="#">website</a>.</p> <p><b>Related information about exceptions – Transport of alcohol</b></p> <p>In <a href="#">section 147(4)</a> of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to, —</p> <p>"(a) the transport of the alcohol from licensed premises next to a public place, if—</p> <p>(i) it was lawfully bought on those premises for consumption off those premises; and</p> <p>(ii) it is promptly removed from the public place; or</p> <p>(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or</p> <p>(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or</p> <p>(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—</p> <p>(i) the transport is undertaken by a resident of those premises; and</p> <p>(ii) the alcohol is promptly removed from the public place."</p> <p>This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend's house.</p> <p><b>Related information about exceptions – Licensed premises</b></p> <p>In <a href="#">section 147(1)(b)</a> of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (<a href="#">Subpart 1 of Part 2</a>). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.</p>	<p>Easier to read and understand when alcohol is prohibited in public places.</p>

Clause 6 amended in accordance with Clause 2(2).

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p><i>alcohol from premises next to a public place to a place outside the public place if—</i></p> <p>(i) <i>the transport is undertaken by a resident of those premises; and</i></p> <p>(ii) <i>the alcohol is promptly removed from the public place.”</i></p>		
<p><b>7 Making alcohol bans</b></p> <p>(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:</p> <p>(a) the consumption, bringing into or possession of alcohol in public places; and</p> <p>(b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.</p> <p>(2) The council must, before making an alcohol ban in clause 7(1) –</p> <p>(a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and</p> <p>(b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and</p>	<p style="text-align: center;"><b>Part 3 Controls</b></p> <p><b>7 Council may make an alcohol ban</b></p> <p>(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:</p> <p>(a) the consumption, bringing or possession of alcohol in public places; and</p> <p>(b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.</p> <p>(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.</p> <p>Clause 7 amended in accordance with Clause 2(2).</p> <p><b>8 Procedure for making an alcohol ban</b></p> <p>(1) Council must, before making an alcohol ban in clause 7 –</p> <p>(a) comply with decision-making requirements under the Local Government Act 2002; and</p> <p>(b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –</p> <p>(i) 24 hours, 7 days a week (at all times alcohol ban);</p> <p>(ii) 7pm to 7am daily (evening alcohol ban);</p> <p>(iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);</p> <p>(iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</p>	<ul style="list-style-type: none"> <li>• Easier to read and understand how council may make an alcohol ban.</li> <li>• Removes unnecessary detail (for example, matters that are addressed in legislation) to improve clarity.</li> </ul>

## Existing Bylaw

- (c) comply with the criteria under section 147B of the Local Government Act 2002 as follows
- (i) be satisfied that there is documented evidence that the area to which the alcohol ban 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
- (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms; and
- (e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and
- (f) consider the views of the New Zealand Police; and
- (g) consider the views of Maori; and
- (h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and
- (i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –
- (i) 24 hours, 7 days a week (at all times alcohol ban);
- (ii) 7pm to 7am daily (evening alcohol ban);

## Bylaw with proposed amendments

### Related information about making an alcohol ban

- An alcohol ban may be permanent or temporary:
  - a permanent alcohol ban applies to a place for long periods (for example a town centre or park 24 hours 7 days a week or 7pm to 7am daily)
  - a temporary alcohol ban applies to large scale events (for example a major concert, festival or sporting event).
- Council may make a permanent or temporary alcohol ban under clause 7 at a meeting of a local board, the Auckland Domain Committee or the Regulatory Committee or directly in a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban. The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections [147B](#) (for resolutions) and [147A](#) (for bylaws). The criteria cannot be changed by council.
- For alcohol bans made by resolution or in a bylaw, the statutory criteria requires:
  - evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area
  - the ban to be appropriate and proportionate in light of the crime or disorder
  - the ban to be justified as a reasonable limitation on people's rights and freedoms.
- For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people's rights and freedoms.
- Before making a decision, council must also comply with the general decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002 (as reprinted on 26 March 2020). This could include considering –
  - complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Māori or Pacific Wardens
  - views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police
  - the nature, severity and frequency of alcohol-related crime or disorder
  - whether the crime or disorder is a result of displacement from an existing alcohol ban
  - whether an alcohol ban would result in displacement of the crime or disorder
  - whether a [Crime Prevention through Environmental Design](#) assessment is needed.
- Council must under clause 8 consider standard times to improve consistency in Auckland, however it may also consider other times more appropriate and proportionate in light of evidence.

### Related information about making an alcohol ban – making a request

- Members of the public (for example community groups, businesses and the New Zealand Police) may request council to make an alcohol ban at any time, with supporting evidence.

### Related information about alcohol ban signage

- Council uses alcohol ban signage to inform, educate and assist with enforcement.
- The Governor General may use [section 147C](#) of the Local Government Act 2002 (as reprinted on 26 March 2020) to make rules about alcohol ban signage. No rules have been made to date.

Clause 8 replaced in accordance with Clause 2(2).

## Reasons

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p>(iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);</p> <p>(iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</p> <p><i>Explanatory note: The times in clause 7(2)(f) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(2)(c) that requires alcohol bans be proportionate in light of the evidence.</i></p> <p>(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.</p>		
<p><b>8</b></p> <p>(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:</p> <p>(a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;</p> <p>(b) describe the placement of the signs</p> <p>(c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).</p>		<ul style="list-style-type: none"> <li>• Signage requirements are already addressed outside of the Bylaw.</li> </ul>

Existing Bylaw	Bylaw with proposed amendments	Reasons
<p style="text-align: center;"><b>Part 3</b></p> <p style="text-align: center;"><b>Enforcement, offences, penalties</b></p> <p><b>9 Enforcement</b></p> <p>(1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.</p> <p>(2) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.</p> <p><i>Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.</i></p>	<p style="text-align: center;"><b>Part 4</b></p> <p style="text-align: center;"><b>Enforcement powers, offences and penalties</b></p> <p><b>9 Police can use statutory powers and other methods to enforce this Bylaw</b></p> <p>(1) A Police constable may use their powers under the <a href="#">Local Government Act 2002</a> to enforce this Bylaw.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Related information about enforcement</b></p> <p>The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections <a href="#">169</a> and <a href="#">170</a> of the Local Government Act 2002 (as reprinted on 26 March 2020).</p> </div> <p>Clause 9 amended in accordance with Clause 2(2).</p>	<ul style="list-style-type: none"> <li>Easier to read and understand enforcement powers.</li> </ul>
<p><b>10 Offences and penalties</b></p> <p>(1) Every person who breaches this bylaw commits an offence.</p> <p>(2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.</p> <p><i>Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.</i></p>	<p><b>10 A person can be penalised for not complying with this Bylaw</b></p> <p>(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the <a href="#">Local Government Act 2002</a>.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Related information about penalties</b></p> <p>A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of \$250 under <a href="#">section 4</a> of the Local Government (Alcohol Ban Breaches) Regulations 2013 (as printed on 18 December 2013).</p> </div> <p>Clause 10 amended in accordance with Clause 2(2).</p>	<ul style="list-style-type: none"> <li>Easier to read and understand penalties for non-compliance.</li> </ul>
	<p style="text-align: center;"><b>Part 5</b></p> <p style="text-align: center;"><b>Savings and transitional provisions</b></p> <p><b>11 Existing resolutions continue to apply</b></p> <p>(1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.</p> <p>(2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.</p> <p>Clause 11 inserted in accordance with Clause 2(2).</p>	<ul style="list-style-type: none"> <li>Ensures existing resolutions continue to apply after amendments are made.</li> </ul>

Existing Bylaw	Bylaw with proposed amendments	Reasons																								
	<p><b>12 Existing inquiries to be completed under this Bylaw</b></p> <p>(1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.</p> <p>Clause 12 inserted in accordance with Clause 2(2).</p>	<ul style="list-style-type: none"> <li>Ensures existing compliance or enforcement action continues after amendments are made.</li> <li>Makes new event-based alcohol bans for major events at certain venues to help reduce alcohol-related harm from major events there.</li> </ul>																								
	<p style="text-align: center;"><b>Schedule 1</b></p> <p style="text-align: center;"><b>Event-Based (Temporary) Alcohol Bans</b></p> <table border="1" data-bbox="470 660 1189 1668"> <thead> <tr> <th data-bbox="470 660 534 750">Name</th> <th data-bbox="470 750 534 1086">Alcohol Ban Area</th> <th data-bbox="470 1086 534 1198">Operative Time</th> <th data-bbox="470 1198 534 1310">Map number</th> </tr> </thead> <tbody> <tr> <td data-bbox="534 660 654 750"> <ul style="list-style-type: none"> <li>Auckland Domain major events alcohol ban (excluding 'Christmas in the Park')</li> </ul> </td> <td data-bbox="534 750 654 1086"> <ul style="list-style-type: none"> <li>Auckland Domain</li> <li>Associated carpark areas and sports fields</li> </ul> </td> <td data-bbox="534 1086 654 1198">6am on the day of any major event at Auckland Domain to 6am on the day after that event</td> <td data-bbox="534 1198 654 1310">1</td> </tr> <tr> <td data-bbox="654 660 774 750"> <ul style="list-style-type: none"> 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</tr> </tbody> </table> <p><b>In this Schedule:</b></p> <ul style="list-style-type: none"> <li>"Major events" has the same meaning as "large scale events" in section 147A of the Local Government Act 2002.</li> <li>The alcohol bans in the table above apply if a major event is held on all or part of a venue stated.</li> </ul>	Name	Alcohol Ban Area	Operative Time	Map number	<ul style="list-style-type: none"> <li>Auckland Domain major events alcohol ban (excluding 'Christmas in the Park')</li> </ul>	<ul style="list-style-type: none"> <li>Auckland Domain</li> <li>Associated carpark areas and sports fields</li> </ul>	6am on the day of any major event at Auckland Domain to 6am on the day after that event	1	<ul style="list-style-type: none"> <li>Auckland Domain 'Christmas in the Park' alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Auckland Domain</li> <li>Associated carpark areas, sports fields and surrounding streets</li> </ul>	4pm on the Friday before any 'Christmas in the Park' event at the Auckland Domain to 8am on the following Monday after that event	2	<ul style="list-style-type: none"> <li>Eden Park major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Eden Park</li> <li>Surrounding streets</li> </ul>	12 hours before any major event at Eden Park to 12 hours after that event	3	<ul style="list-style-type: none"> <li>Mt Smart Stadium major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Fan Trail 1: Ponsonby Road to Eden Park or Fan Trail 2: Queen Street to Eden Park, if activated as part of the event</li> <li>Mt Smart Stadium</li> <li>Surrounding streets</li> </ul>	6am on the day of any major event at Mt Smart Stadium to 6am on the day after that event	4	<ul style="list-style-type: none"> <li>Western Springs Stadium major events alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>Western Springs Stadium</li> <li>Western Springs Lakeside</li> <li>Western Springs Outer Fields</li> <li>Surrounding 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	<p><b>Related information about event-based (temporary) alcohol bans</b></p> <ul style="list-style-type: none"> <li>• More information on major events can be found in council's <a href="#">Events Policy</a>. The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).</li> <li>• There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on 'match days', starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Street.</li> </ul>	
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Find out more: phone 09 301 0101  
or visit [aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/)



**ATTACHMENT C**  
**SUMMARY OF PUBLIC FEEDBACK**



# PROPOSED CHANGES TO THE ALCOHOL CONTROL BYLAW 2014

## FEEDBACK OVERVIEW

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### Te take mō te pūrongo

#### Purpose of the report

The information in this report summarises feedback received through an online feedback form on proposed changes to the Alcohol Control Bylaw 2014 during the public consultation period from 10 October to 13 November 2020. This includes feedback from a People’s Panel survey open from 29 October until 4 November 2020.

Proposed changes would make new temporary alcohol bans for all major events at Pukekawa / Auckland Domain, Eden Park, Rarotonga / Mount Smart Stadium, and Waiōrea / Western Springs Stadium in the Bylaw; replace rules already covered by existing legislation or policy with a ‘related information’ note; clarify exceptions to alcohol bans and council’s ability to make alcohol bans; and make the Bylaw wording easier to understand.

All feedback and local board and Auckland Domain Committee views will be considered by a Bylaw Panel at a public meeting scheduled for March 2021. The Bylaw Panel will use the feedback to make recommendations on the proposal to the Governing Body at a public meeting scheduled for April 2021.

### Whakarāpopototanga matua

#### Executive summary

**TOTAL SUBMISSIONS RECEIVED: 877**

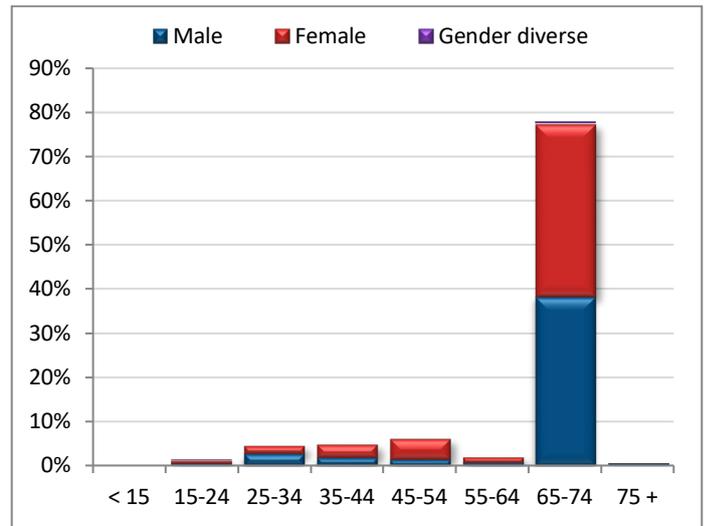
Note:

- 70 per cent or more of submitters on each of Proposals 1A – E agreed with new temporary alcohol bans for major events at four regional event venues in Auckland.
- 70 per cent of submitters agreed with Proposal 2 about replacing clauses covered by existing legislation or policy with a ‘related information’ note, to remove duplication.
- 87 per cent of submitters agreed with Proposal 3 about clarifying the Bylaw wording, exceptions to alcohol bans and council’s ability to make temporary alcohol bans.
- The main theme to come out of the other feedback collected was that alcohol bans are useful, important and improve outcomes.
- The feedback was generally positive towards temporary alcohol bans across event venues in Auckland, for the main reason that they would reduce alcohol-related crime and disorder and improve public safety.

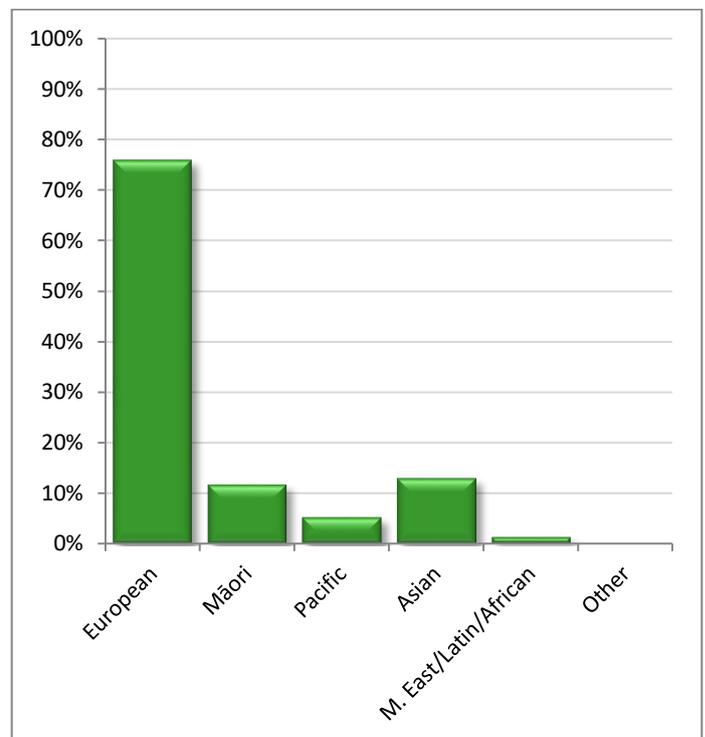
## Who we heard from

The tables below indicate the demographic profile of those that answered the demographic questions.

AGE	Male	Female	Diverse	Total	%
< 15	0	0	0	0	0%
15 – 24	5	6	1	14	2%
25 – 34	24	16	0	40	5%
35 – 44	16	26	0	43	5%
45 – 54	13	41	0	55	6%
55 – 64	6	12	0	18	2%
65 – 74	332	340	4	694	80%
75 +	5	1	0	6	1%
<b>Total submitters providing data</b>				<b>870</b>	<b>100%</b>



ETHNICITY	#	%
<b>European</b>	<b>623</b>	<b>76%</b>
Pākehā/NZ European	560	68%
Other European	63	8%
<b>Māori</b>	<b>98</b>	<b>12%</b>
<b>Pacific</b>	<b>41</b>	<b>5%</b>
Samoan	10	1%
Tongan	3	>1%
Other Pasifika	31	4%
<b>Asian</b>	<b>107</b>	<b>13%</b>
Chinese	31	4%
Korean	4	>1%
South East Asian	12	1%
Indian	38	5%
Other Asian	22	3%
<b>Middle Eastern/Latin American/African</b>	<b>11</b>	<b>1%</b>
<b>Other (incl. Kiwi/New Zealander)</b>	<b>0</b>	<b>0%</b>
<b>Total submitters providing data</b>	<b>821</b>	<b>NA</b>



SOURCE	#	%
Online	9	1%
Email	2	>1%
People's Panel	866	99%
<b>Total</b>	<b>877</b>	<b>100%</b>

The table below indicates the total number of submissions received by the local board that submitters live in.

RESIDENT LOCAL BOARD	#	%
Albert-Eden	84	10%
Aotea/Great Barrier	2	>1%
Devonport-Takapuna	43	5%
Franklin	40	5%
Henderson-Massey	51	6%
Hibiscus and Bays	59	7%
Howick	43	5%
Kaipātiki	51	6%
Māngere-Ōtāhuhu	16	2%
Manurewa	29	3%
Maungakiekie-Tāmaki	53	6%
Ōrākei	82	9%
Ōtara-Papatoetoe	21	2%
Papakura	24	3%
Puketāpapa	32	4%
Rodney	20	2%
Upper Harbour	39	4%
Waiheke	8	1%
Waitākere Ranges	35	4%
Waitematā	82	9%
Whau	48	5%
Other (Not supplied, outside Auckland or regional organisation)	15	2%

## Proposal responses by local board

The tables below show the responses to each proposal broken down by local board.

RESPONSES TO PROPOSAL 1A: New temporary alcohol ban for major events at Pukekawa / Auckland Domain (excluding for 'Christmas in the Park')					
LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	35	14	1	50	70%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	18	4	0	22	82%
Franklin	12	1	0	13	92%
Henderson-Massey	21	3	1	25	84%
Hibiscus and Bays	24	5	0	29	83%
Howick	16	4	2	22	73%
Kaipātiki	24	5	0	29	83%
Māngere-Ōtāhuhu	6	2	1	9	67%
Manurewa	15	2	0	17	88%
Maungakiekie-Tāmaki	20	7	0	27	74%
Ōrākei	30	14	2	46	65%
Ōtara-Papatoetoe	9	1	1	11	82%
Papakura	5	7	0	12	42%
Puketāpapa	14	0	2	16	88%
Rodney	3	2	0	5	60%
Upper Harbour	18	1	1	20	90%
Waiheke	2	2	0	4	50%
Waitākere Ranges	10	5	0	15	67%
Waitematā	38	12	2	52	73%
Whau	16	7	0	23	70%
Not supplied	5	3	0	8	63%

**RESPONSES TO PROPOSAL 1B:**

**New temporary alcohol ban for 'Christmas in the Park' at Pukekawa / Auckland Domain**

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	30	14	1	45	67%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	18	4	0	22	82%
Franklin	17	4	0	21	81%
Henderson-Massey	22	5	0	27	81%
Hibiscus and Bays	26	8	2	36	72%
Howick	21	4	2	27	78%
Kaipātiki	18	8	0	26	69%
Māngere-Ōtāhuhu	7	2	1	10	70%
Manurewa	18	2	0	20	90%
Maungakiekie-Tāmaki	24	6	0	30	80%
Ōrākei	34	13	0	47	72%
Ōtara-Papatoetoe	14	2	0	16	88%
Papakura	7	6	0	13	54%
Puketāpapa	18	1	0	19	95%
Rodney	3	2	0	5	60%
Upper Harbour	15	4	2	21	71%
Waiheke	3	2	0	5	60%
Waitākere Ranges	14	4	0	18	78%
Waitematā	33	9	4	46	72%
Whau	24	7	0	31	77%
Not supplied	5	5	0	10	50%

## RESPONSES TO PROPOSAL 1C:

### New temporary alcohol ban for major events at Eden Park (including two Fan Trails if activated as part of the event)

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	43	16	4	63	68%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	13	12	0	25	52%
Franklin	19	3	0	22	86%
Henderson-Massey	21	8	0	29	72%
Hibiscus and Bays	24	5	2	31	77%
Howick	22	6	0	28	79%
Kaipātiki	19	7	1	27	70%
Māngere-Ōtāhuhu	7	0	0	7	100%
Manurewa	15	1	2	18	83%
Maungakiekie-Tāmaki	14	7	1	22	64%
Ōrākei	40	9	2	51	78%
Ōtara-Papatoetoe	11	1	0	12	92%
Papakura	7	5	0	12	58%
Puketāpapa	15	2	2	19	79%
Rodney	4	2	0	6	67%
Upper Harbour	17	6	0	23	74%
Waiheke	2	2	0	4	50%
Waitākere Ranges	13	7	0	20	65%
Waitematā	28	9	2	39	72%
Whau	20	10	0	30	67%
Not supplied	2	5	1	8	25%

**RESPONSES TO PROPOSAL 1D:**

**New temporary alcohol ban for major events at Rarotonga / Mount Smart Stadium**

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	25	8	0	33	76%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	14	6	0	20	70%
Franklin	15	2	0	17	88%
Henderson-Massey	17	4	1	22	77%
Hibiscus and Bays	27	3	0	30	90%
Howick	20	5	1	26	77%
Kaipātiki	19	6	0	25	76%
Māngere-Ōtāhuhu	9	1	0	10	90%
Manurewa	17	1	0	18	94%
Maungakiekie-Tāmaki	31	6	0	37	84%
Ōrākei	34	10	2	46	74%
Ōtara-Papatoetoe	10	2	1	13	77%
Papakura	7	5	0	12	58%
Puketāpapa	13	0	0	13	100%
Rodney	5	2	0	7	71%
Upper Harbour	13	5	0	18	72%
Waiheke	2	2	0	4	50%
Waitākere Ranges	15	5	0	20	75%
Waitematā	24	4	1	29	83%
Whau	22	7	0	29	76%
Not supplied	4	3	1	8	50%

**RESPONSES TO PROPOSAL 1E:**

**New temporary alcohol ban for major events at Waiōrea / Western Springs Stadium**

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	37	13	1	51	73%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	14	8	0	22	64%
Franklin	14	1	0	15	93%
Henderson-Massey	22	7	1	30	73%
Hibiscus and Bays	30	5	0	35	86%
Howick	17	5	0	22	77%
Kaipātiki	16	7	0	23	70%
Māngere-Ōtāhuhu	6	1	0	7	86%
Manurewa	15	2	1	18	83%
Maungakiekie-Tāmaki	18	5	1	24	75%
Ōrākei	31	8	0	39	79%
Ōtara-Papatoetoe	8	2	1	11	73%
Papakura	4	5	0	9	44%
Puketāpapa	11	0	2	13	85%
Rodney	3	2	0	5	60%
Upper Harbour	16	6	0	22	73%
Waiheke	2	2	0	4	50%
Waitākere Ranges	16	4	1	21	76%
Waitematā	31	6	1	38	82%
Whau	22	8	0	30	73%
Not supplied	3	4	1	8	38%

## RESPONSES TO PROPOSAL 2:

### Replace rules covered by existing legislation or policy with a 'related information' note

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	60	12	12	84	71%
Aotea/Great Barrier	0	1	1	2	0%
Devonport-Takapuna	33	7	3	43	77%
Franklin	29	3	8	40	73%
Henderson-Massey	32	11	8	51	63%
Hibiscus and Bays	39	15	5	59	66%
Howick	30	7	6	43	70%
Kaipātiki	38	6	7	51	75%
Māngere-Ōtāhuhu	13	2	1	16	81%
Manurewa	21	4	4	29	72%
Maungakiekie-Tāmaki	33	11	9	53	62%
Ōrākei	59	9	14	82	72%
Ōtara-Papatoetoe	16	2	3	21	76%
Papakura	17	5	2	24	71%
Puketāpapa	22	7	3	32	69%
Rodney	12	5	3	20	60%
Upper Harbour	24	10	5	39	62%
Waiheke	6	1	1	8	75%
Waitākere Ranges	29	3	3	35	83%
Waitematā	57	7	17	81	70%
Whau	32	9	7	48	67%
Not supplied	6	5	2	13	46%

### RESPONSES TO PROPOSAL 3:

#### Clarify exceptions to alcohol bans, council's ability to make temporary alcohol bans, and the Bylaw wording

LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	72	6	6	84	86%
Aotea/Great Barrier	1	0	1	2	50%
Devonport-Takapuna	40	2	1	43	93%
Franklin	36	1	3	40	90%
Henderson-Massey	42	6	3	51	82%
Hibiscus and Bays	55	1	3	59	93%
Howick	37	5	1	43	86%
Kaipātiki	47	1	3	51	92%
Māngere-Ōtāhuhu	12	4	0	16	75%
Manurewa	26	3	0	29	90%
Maungakiekie-Tāmaki	44	5	4	53	83%
Ōrākei	72	3	7	82	88%
Ōtara-Papatoetoe	18	0	3	21	86%
Papakura	21	1	2	24	88%
Puketāpapa	26	4	2	32	81%
Rodney	16	2	2	20	80%
Upper Harbour	30	7	2	39	77%
Waiheke	8	0	0	8	100%
Waitākere Ranges	32	0	3	35	91%
Waitematā	72	6	4	82	88%
Whau	42	3	3	48	88%
Not supplied	9	2	2	13	69%

RESPONSES TO PEOPLE'S PANEL QUESTION ABOUT ALL PROPOSED BANS IN GENERAL <sup>1</sup>					
LOCAL BOARD	AGREE	DISAGREE	OTHER	TOTAL	% AGREEMENT
Albert-Eden	4	2	0	6	67%
Aotea/Great Barrier	0	1	0	1	0%
Devonport-Takapuna	8	1	2	11	73%
Franklin	5	0	2	7	71%
Henderson-Massey	6	4	0	10	60%
Hibiscus and Bays	9	3	0	12	75%
Howick	8	0	0	8	100%
Kaipātiki	9	3	0	12	75%
Māngere-Ōtāhuhu	2	1	0	3	67%
Manurewa	2	1	1	4	50%
Maungakiekie-Tāmaki	7	1	0	8	88%
Ōrākei	9	3	1	13	69%
Ōtara-Papatoetoe	2	1	1	4	50%
Papakura	5	0	0	5	100%
Puketāpapa	4	4	0	8	50%
Rodney	6	2	1	9	67%
Upper Harbour	6	1	0	7	86%
Waiheke	3	0	0	3	100%
Waitākere Ranges	4	1	1	6	67%
Waitematā	8	3	0	11	73%
Whau	6	0	1	7	86%
Not supplied	2	0	0	2	100%

<sup>1</sup> We asked this question of of People's Panel respondents who did not wish to comment on a specific proposed temporary alcohol ban. 11

# Urupare

## Feedback

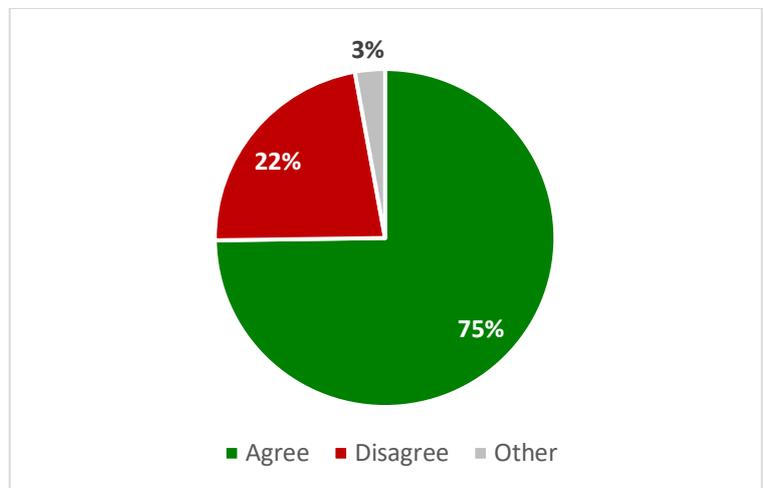
### Proposal 1A: What is your opinion on Proposal 1A for Pukekawa / Auckland Domain (excluding for 'Christmas in the Park')?

Submitters were asked their opinion on Proposal 1A about making a new temporary alcohol ban in the Bylaw for all major events at Pukekawa / Auckland Domain (excluding 'Christmas in the Park'). (n=456 responses)

#### SUMMARY OF FEEDBACK

Around three quarters of submitters **agreed** with the proposal for a new temporary alcohol ban for all major events at Pukekawa / Auckland Domain (excluding 'Christmas in the Park'). Nearly half of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that alcohol is inappropriate or unnecessary at the venue or in society.

RESPONSE	TOTAL	%
Agree	341	75%
Disagree	102	22%
Other	13	3%



#### Please tell us why

(n=306; Most common themes below)

#### 45% - Reduces alcohol-related crime and disorder / improves public safety

(139 comments)



Comments included:

*"Less drunken idiots and violence"*

*"It will reduce crimes"*

*"Because presumably the sale of alcohol within the event will result in better policing & less alcohol-induced hideous behaviour"*

*"Alcohol causes a lot of problems for everyone"*

## 12% - Alcohol is inappropriate or unnecessary at the venue or in society

(37 comments)



*"We need to learn to have fun without alcohol"*

*"No need to bring booze to these events"*

*"It is a family event that does not require the presence of alcohol, as children are present and will reduce unwanted bad behaviour"*

OTHER RESPONSES	TOTAL	%
Creates clearer, more efficient and enforceable rules	34	11%
Restricts people's rights and freedoms	30	10%
Remove ban and address disorderly behaviour instead	18	6%
Creates inequity	16	5%
Unnecessary/unsupportive of alcohol bans	16	5%
Will not reduce alcohol-related crime and disorder	14	5%
Reasonable and economically beneficial	14	5%
Concern about extent/effects of ban	10	3%
Make alcohol bans in certain public places	8	3%
Concern about benefits to council/vendors	6	2%
Increase ban area/time	6	2%
Remove/do not allow alcohol bans in certain public places	5	2%
Ban the sale of alcohol in an alcohol ban area	4	1%
Amend the process to make an alcohol ban	3	1%
Reduce ban area/time	2	1%
Allow a limited amount of BYO alcohol at events	1	>1%
Include definition of 'major event'	1	>1%

### Māori feedback

Of the 456 responses to this question, 56 of the submitters identified as Māori. Of these, 77 per cent supported the proposal.

Māori views aligned with the general themes highlighted above.

## Proposal 1B: What is your opinion on Proposal 1B for 'Christmas in the Park' at Pukekawa / Auckland Domain?

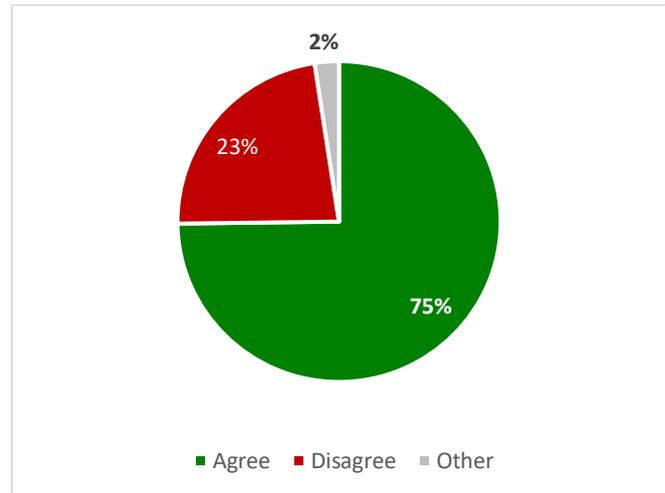
Submitters were asked their opinion on Proposal 1B about making a new temporary alcohol ban in the Bylaw for 'Christmas in the Park' at Pukekawa / Auckland Domain.

(n=496 responses)

### SUMMARY OF FEEDBACK

Three quarters of submitters **agreed** with the proposal for a new temporary alcohol ban for 'Christmas in the Park' at Pukekawa / Auckland Domain. Over one third of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that alcohol is inappropriate or unnecessary at the venue or in society.

RESPONSE	TOTAL	%
Agree	371	75%
Disagree	113	23%
Other	12	2%



### Please tell us why

(n=327; Most common themes below)

#### 38% – Reduces alcohol-related crime and disorder / improves public safety

(123 comments)



Comments included:

*"Safety and less chances of any sort of violence or incidents"*

*"Alcohol causes increased aggression in people"*

*"It makes others feel unsafe. This is a family event"*

*"Positive health and social impacts of limiting opportunities for alcohol intake (i.e. will make the event safer)"*

## 24% – Alcohol is inappropriate or unnecessary at the venue or in society

(78 comments)



*“Alcohol is a problem in New Zealand society and the more its use can be discouraged, the better”*

*“Family occasion alcohol is not necessary to enjoying the event and this is a good role model for young”*

*“Alcohol brings nothing positive to any event. Except harm and conflict and illness”*

OTHER RESPONSES	TOTAL	%
Restricts people’s rights and freedoms	31	9%
Unnecessary/unsupportive of alcohol bans	24	7%
Creates clearer, more efficient and enforceable rules	21	6%
Remove ban and address disorderly behaviour instead	18	6%
Creates inequity	16	5%
Reasonable and economically beneficial	14	4%
Concern about extent/effects of ban	8	2%
Make alcohol bans in certain public places	8	2%
Will not reduce alcohol-related crime and disorder	7	2%
Ban the sale of alcohol in an alcohol ban area	6	2%
Allow a limited amount of BYO alcohol at events	6	2%
Increase ban area/time	4	1%
Concern about benefits to council/vendors	3	1%
Amend the process to make an alcohol ban	3	1%
Reduce ban area/time	3	1%
Remove/do not allow alcohol bans in certain public places	2	1%
Prohibit other behaviours/substance use	1	>1%
Include definition of ‘major event’	0	0%

### Māori feedback

Of the 496 responses to this question, 63 of the submitters identified as Māori. Of these, 75 per cent supported the proposal.

Māori views aligned with the general themes highlighted above.

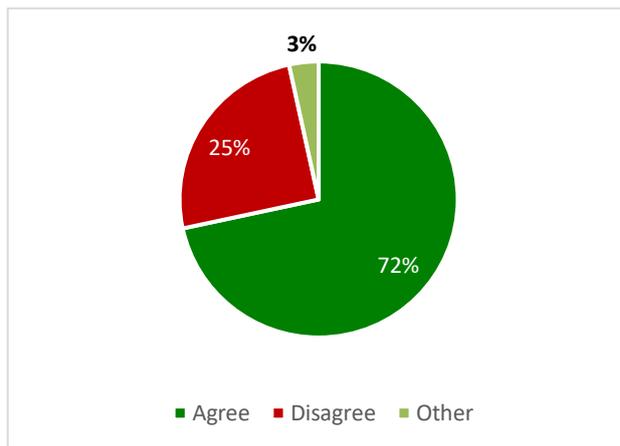
### Proposal 1C: What is your opinion on Proposal 1C for Eden Park?

Submitters were asked their opinion on Proposal 1C about making a new temporary alcohol ban in the Bylaw for all major events at Eden Park, including two Fan Trails if activated as part of the event. (n=497 responses)

#### SUMMARY OF FEEDBACK

Nearly three quarters of submitters **agreed** with the proposal for a new temporary alcohol ban for all major events at Eden Park, and associated Fan Trails. Nearly half of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that alcohol is inappropriate or unnecessary at the venue or in society.

RESPONSE	TOTAL	%
Agree	356	72%
Disagree	124	25%
Other	17	3%



#### Please tell us why

(n=317; Most common themes below)

#### 43% - Reduces alcohol-related crime and disorder / improves public safety

(137 comments)



Comments included:

*“Prevent unruly behaviour”*

*“Alcohol during these events can be problematic”*

*“Less alcohol means less problematic behaviour”*

*“After major events, this will prevent altercations due to excess of alcohol consumed”*

## 9% - Alcohol is inappropriate or unnecessary at the venue or in society

(30 comments)



*"People don't need to consume or bring alcohol to these places. They are family orientated"*

*"Alcohol is a problem in New Zealand society and the more its use can be discouraged, the better"*

*"Not really necessary to have people drinking while on she fan trails - could cause issues with other members of the public, residential streets that are part of the fan trail"*

OTHER RESPONSES	TOTAL	%
Concern about extent/effects of ban	29	9%
Restricts people's rights and freedoms	25	8%
Reduce ban area/time	18	6%
Creates clearer, more efficient and enforceable rules	17	5%
Remove ban and address disorderly behaviour instead	13	4%
Unnecessary/unsupportive of alcohol bans	12	4%
Make alcohol bans in certain public places	12	4%
Will not reduce alcohol-related crime and disorder	11	3%
Creates inequity	10	3%
Reasonable and economically beneficial	7	2%
Ban the sale of alcohol in an alcohol ban area	4	1%
Control aspects of event management and the operation of licensed premises	4	1%
Prohibit other behaviours/substance use	3	1%
Increase ban area/time	3	1%
Concern about benefits to council/vendors	2	1%
Retain same rules as current ban	1	>1%
Allow a limited amount of BYO alcohol at events	1	>1%
Remove/do not allow alcohol bans in certain public places/make it harder to adopt alcohol bans	1	>1%
Include definition of 'major event'	1	>1%

### Māori feedback

Of the 497 responses to this question, 62 of the submitters identified as Māori. Of these, 71 per cent supported the proposal.

Māori views aligned with the general themes highlighted above.

### Proposal 1D: What is your opinion on Proposal 1D for Rarotonga / Mount Smart Stadium?

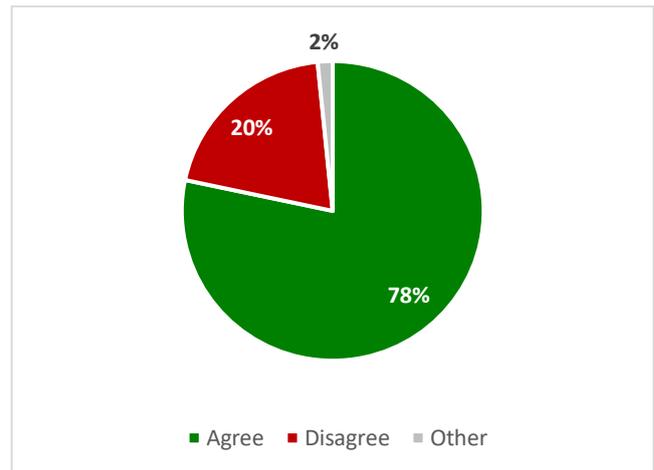
Submitters were asked their opinion on Proposal 1D about making a new temporary alcohol ban in the Bylaw for all major events at Rarotonga / Mount Smart Stadium.

(n=438 responses)

#### SUMMARY OF FEEDBACK

Over three quarters of submitters **agreed** with the proposal for a new temporary alcohol ban for all major events at Rarotonga / Mount Smart Stadium. Nearly half of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that it restricts people’s rights and freedoms.

RESPONSE	TOTAL	%
Agree	343	78%
Disagree	88	20%
Other	7	2%



#### Please tell us why

(n=249; Most common themes below)

#### 49% - Reduces alcohol-related crime and disorder / improves public safety

(123 comments)



Comments included:

*“Because people who drink too much ruin the atmosphere and experience for others”*

*“Reduces risk of inappropriate behavior outside the parameters of the venue”*

*“This is again a good way to control crime and disturbance to other patrons. People will also realise the game/event is enjoyable without alcohol and improve family life and abuse. Good help to our social system long term”*

*“Makes sense, keeps people safe”*

## 9% - Restricts people's rights and freedoms

(22 comments)



*"Boot parties part of the fun"*

*"Too many rules"*

*"Stop infringing on our freedoms"*

*"The ban unfairly discriminates and punishes the well behaved for the sake of the few who misbehave"*

*"Let people be responsible and enjoy themselves at events without trying to govern everything"*

OTHER RESPONSES	TOTAL	%
Alcohol is inappropriate or unnecessary at the venue or in society	20	8%
Creates clearer, more efficient and enforceable rules	20	8%
Creates inequity	12	5%
Unnecessary/unsupportive of alcohol bans	11	4%
Reduce ban area/time	9	4%
Concern about extent/effects of ban	8	3%
Make alcohol bans in certain public places	7	3%
Control aspects of event management and the operation of licensed premises/prohibit other behaviours or substance use	5	2%
Reasonable and economically beneficial	5	2%
Will not reduce alcohol-related crime and disorder	3	1%
Concern about benefits to council/vendors	3	1%
Increase ban area/time	3	1%
Remove/do not allow alcohol bans in certain public places/make it harder to adopt alcohol bans	3	1%
Ban the sale of alcohol in an alcohol ban area	2	1%
Remove ban and address disorderly behaviour instead	2	1%
Include definition of 'major event'	1	>1%

## Māori feedback

Of the 438 responses to this question, 65 of the submitters identified as Māori. Of these, 77 per cent supported the proposal.

Māori views aligned with the main theme that the proposal would reduce alcohol-related crime and disorder and improve public safety, but also with the theme that the proposal would create clearer, more efficient and enforceable rules.

## Proposal 1E: What is your opinion on Proposal 1E for Waiōrea / Western Springs Stadium?

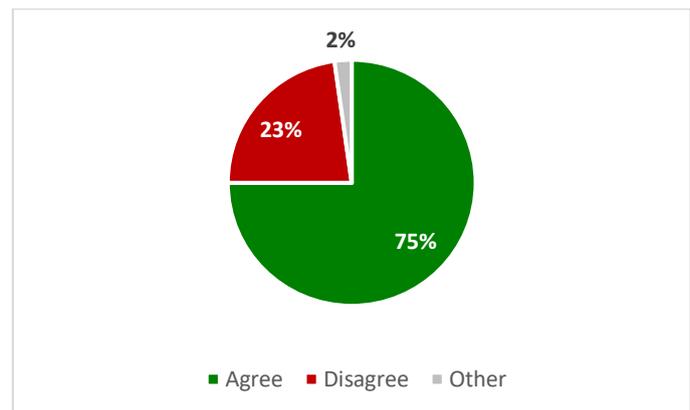
Submitters were asked their opinion on Proposal 1E about making a new temporary alcohol ban in the Bylaw for all major events at Waiōrea / Western Springs Stadium.

(n=448 responses)

### SUMMARY OF FEEDBACK

Three quarters of submitters **agreed** with the proposal for a new temporary alcohol ban for all major events at Waiōrea / Western Springs Stadium. Nearly half of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that alcohol is inappropriate or unnecessary at the venue or in society.

RESPONSE	TOTAL	%
Agree	336	75%
Disagree	102	23%
Other	10	2%



### Please tell us why

(n=258; Most common themes below)

#### 40% – Reduces alcohol-related crime and disorder / improves public safety

(102 comments)



Comments included:

*“Prevent alcohol driven crime”*

*“Alcohol at these events can be problematic”*

*“The alcohol induced behaviour at public events is no longer acceptable. It is sufficient that people can access alcohol within a licensed area within the event area”*

#### 12% – Alcohol is inappropriate or unnecessary at the venue or in society

(30 comments)



*“Need to reduce our public consumption of alcohol”*

*“No place for alcohol be it a concert or a sports event. Problems are caused is alcohol is consumed outside Western Springs”*

*“Good way to teach people to have fun without alcohol”*

OTHER RESPONSES	TOTAL	%
Restricts people's rights and freedoms	25	10%
Creates clearer, more efficient and enforceable rules	23	9%
Reasonable and economically beneficial	22	9%
Concern about extent/effects of ban	17	7%
Unnecessary/unsupportive of alcohol bans	13	5%
Creates inequity	11	4%
Remove ban and address disorderly behaviour instead	11	4%
Reduce ban area/time	10	4%
Control aspects of event management and the operation of licensed premises	10	4%
Will not reduce alcohol-related crime and disorder	8	3%
Make alcohol bans in certain public places	8	3%
Concern about benefits to council/vendors	4	2%
Retain same approach as currently	3	1%
Ban the sale of alcohol in an alcohol ban area	3	1%
Remove/do not allow alcohol bans in certain public places/make it harder to adopt alcohol bans	3	1%
Allow a limit amount of BYO alcohol at events	1	>1%
Prohibit other behaviours/substance use	1	>1%
Increase ban area/time	1	>1%
Include definition of 'major event'	1	>1%

### Māori feedback

Of the 258 responses to this question, 57 of the submitters identified as Māori. Of these, 75 per cent supported the proposal.

Māori views aligned with the general themes highlighted above and also with the theme that the proposal would create clearer, more efficient and enforceable rules.

## Proposal 2: What is your opinion on Proposal 2 about replacing rules covered by existing legislation or policy with a 'related information' note?

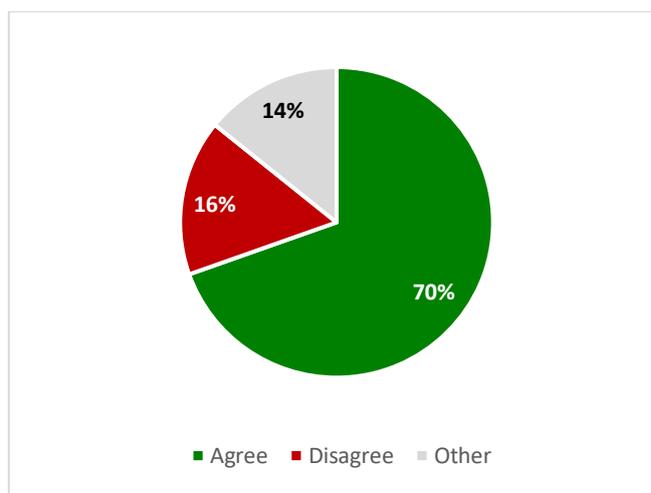
Submitters were asked their opinion on Proposal 2 about replacing clauses about making alcohol bans and alcohol ban signage that are already covered by existing legislation or policy, with a 'related information' note.

(n=874 responses)

### SUMMARY OF FEEDBACK

Nearly three quarters of submitters **agreed** with the proposal to replace clauses that are already covered by existing legislation or policy with a 'related information' note. Under half of the comments thought this proposal would create clearer, more efficient, and enforceable rules. The second highest theme was that the proposal is unnecessary, costly, too complex, and poorly enforceable.

RESPONSE	TOTAL	%
Agree	608	70%
Disagree	142	16%
Other	124	14%



### Please tell us why

(n=258; Most common themes below)

#### 39% – Creates clearer, more efficient, and enforceable rules

(189 comments)



Comments included:

*"Makes sense to avoid duplication or potential inconsistencies between policies/bylaws/rules. Useful to have a reference list of related information"*

*"Sounds like it will make things simpler for local authorities"*

*"Saves doubling up. Makes sense"*

*"No need to duplicate the info"*

### 8% Proposal is unnecessary, costly, too complex, poorly enforceable

(39 comments) **Note:** comments were concerned that the proposal would make a separate policy for the public about alcohol ban signage.



*“It does not serve any purpose in my opinion if it cannot be enforced”*

*“Don’t complicate matters with minute detail”*

*“It would be better to have all relevant information in one place even if there is a double up, rather than cross reference between bylaws. Removing the information would increase the risk of unintentional non-compliance”*

*“The rules need to be easily accessible not hidden under layers of bureaucracy referring to other rules”*

OTHER RESPONSES	TOTAL	%
Comments on signage use/appearance	38	8%
Include all rules in the Bylaw instead of in separate policy/legislation	28	6%
Alcohol bans are useful/important/improve outcomes	25	5%
Alcohol bans are restrictive/ineffective/unnecessary/should be removed	22	5%
Better address alcohol-related issues and enforcement	10	2%
Amend approach to duplicated rules	8	2%
Separate policy for signage is useful	6	1%
Make alcohol bans in certain public places/broaden alcohol bans	6	1%
Concern about benefits/power to council	5	1%
Proposal is technical issue without need for public input	5	1%

### Māori feedback

Of the 874 responses to this question, 103 of the submitters identified as Māori. Of these, 73 per cent supported the proposal.

Māori views aligned with the main theme highlighted above but were more likely to make comments on signage use or appearance.

**Proposal 3: What is your opinion on Proposal 3 about clarifying the Bylaw wording and including ‘related information’ notes about alcohol ban exceptions and council’s ability to make bans?**

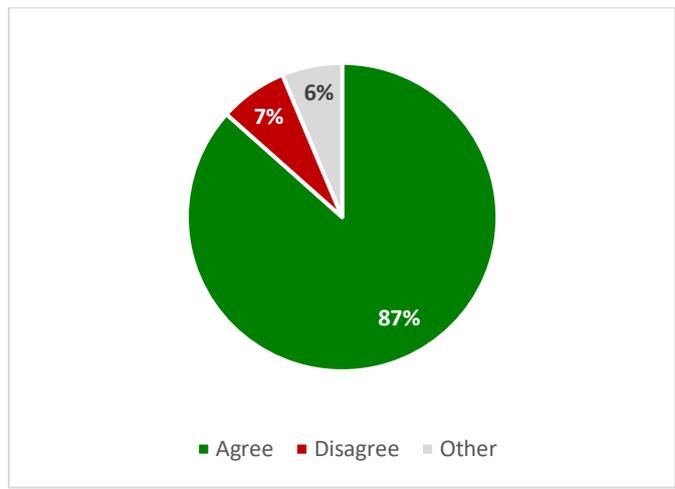
Submitters were asked their opinion on Proposal 3 about clarifying the Bylaw wording and including ‘related information’ notes about exceptions to alcohol bans and council’s ability to make temporary alcohol bans.

(n=875 responses)

**SUMMARY OF FEEDBACK**

Over three quarters of submitters **agreed** with the proposal to clarify the Bylaw wording and include ‘related information’ notes. More than half of the comments thought this proposal would create clearer, more efficient and enforceable rules. The second highest theme was that alcohol bans (and exceptions) are useful, important and improve outcomes.

RESPONSE	TOTAL	%
Agree	758	87%
Disagree	62	7%
Other	55	6%

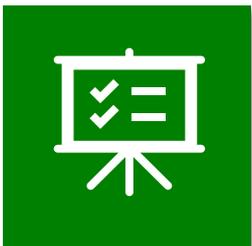


**Please tell us why**

(n=431; Most common themes below)

**62% – Creates clearer, more efficient, and enforceable rules**

(267 comments)



Comments included:

*“Being clear and understandable is most important so business can still sell if they are able to”*

*“Makes things clearer for the attendees at the events”*

*“This will make things easier for people to understand and comply”*

## 9% – Alcohol bans (and exceptions) are useful, important and improve outcomes

(37 comments)



*“Then alcohol consumption is restricted and controlled if people intoxicated they are removed”*

*“Going to an event does not require alcohol to be brought in!”*

*“There is too much alcohol fueled violence, it needs to stop now”*

*“People need to be allowed to purchase alcohol with their food on license property or their own homes”*

OTHER RESPONSES	TOTAL	%
Alcohol bans are restrictive/ineffective/unnecessary	15	3%
Exceptions are ineffective/unclear/poorly enforceable	15	3%
Make alcohol bans in certain public places	15	3%
Unnecessary to include/clarify exceptions	10	2%
Amend approach to exceptions	10	2%
Amend how licensed premises operate	9	2%
Concern about council role/benefits	7	2%
Improve the use of alcohol ban signage	7	2%
Remove bans and address disorderly behaviour instead	4	1%
Clarify if all possible exceptions are stated	1	>1%

### Māori feedback

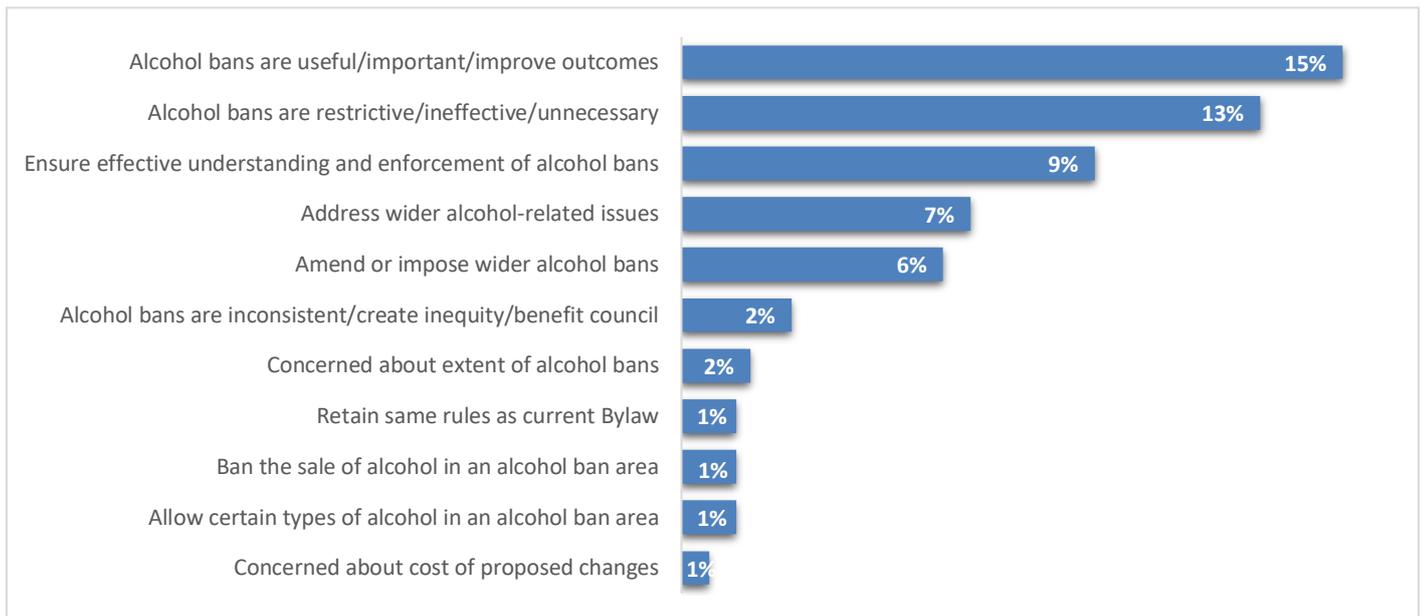
Of the 875 responses to this question, 103 of the submitters identified as Māori. Of these, 87 per cent supported the proposal.

Māori views aligned with the main theme highlighted above but were more likely to make comments that exceptions are ineffective, unclear and poorly enforceable.

## Do you have any feedback on the proposed changes to the Alcohol Control Bylaw 2014?

Submitters were asked if they had any other comments on the proposed changes to the Alcohol Control Bylaw 2014.

(n=321 responses)



### Comments included:

*"Too many drunk people around all the time"*

*"There is way too many alcohol related assaults happening in Auckland city, especially at night time in the CBD area. It has gotten so bad I no longer feel safe going out at night time"*

*"Alcohol bans are a useful tool for the council, especially when implemented with discretion and allows quiet and sensible consumption when not impacting others"*

*"Excess alcohol consumption leads to violence and harm to people and property; that is why I support these proposed changes"*

*"Folks are unable to be trusted to drink alcohol at a family friendly/moderate amount at these types of events when they byo. It's a good idea to have this bylaw and better for the bar/stall holders and the overall environment of both the event and the waste management thereof"*

**What do you think about creating new temporary alcohol bans for major events at the following venues: Auckland / Pukekawa Domain, Eden Park, Mount Smart / Rarotonga Stadium, and Waiōrea / Western Springs Stadium?**

**Note:** We asked this question of People’s Panel respondents who did not wish to comment on a specific proposed temporary alcohol ban.

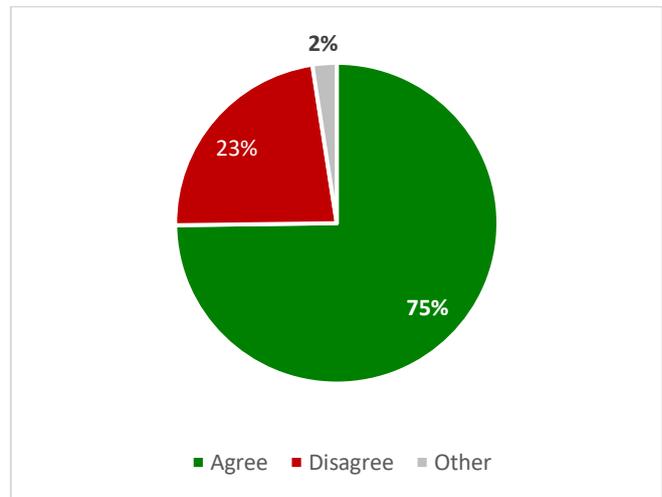
Submitters were asked what they thought about creating new temporary alcohol bans for major events at the venues above.

(n=157 responses)

**SUMMARY OF FEEDBACK**

Nearly three quarters of submitters **agreed** with creating new temporary alcohol bans for major events at the venues above. One third of the comments thought this proposal would reduce alcohol-related crime and disorder and improve public safety. The second highest theme was that it creates clearer, more efficient and enforceable rules.

RESPONSE	TOTAL	%
Agree	115	73%
Disagree	62	20%
Other	10	7%



**Please tell us why**

(n=135; Most common themes below)

**33% – Reduces alcohol-related crime and disorder / improves public safety**

(44 comments)



Comments included:

*“Allowing the public to take their own alcohol to events often leads to people drinking too much and becoming a nuisance. I think that limiting alcohol intake and being consistent across venues would therefore be a good thing”*

*“It should help to limit bad behaviour”*

*“Big crowds and alcohol are a bad mix”*

## 24% – Creates clearer, more efficient, and enforceable rules

(33 comments)



Comments included:

*“If the rules are consistent, people will know what to expect”*

*“Seems fair enough, less paper work required for something that is commonly applied for, likely for the same reason each time”*

*“Clear and concise rules as well as being the same over all venues is good”*

OTHER RESPONSES	TOTAL	%
Restricts people’s rights and freedoms	12	9%
Alcohol is inappropriate or unnecessary at the venue or in society	10	7%
Unnecessary/unsupportive of alcohol bans	8	6%
Concern about extent/effects of ban	6	4%
Remove ban and address disorderly behaviour instead	6	4%
Will not reduce alcohol-related crime and disorder	4	3%
Make alcohol bans in certain public places	4	3%
Creates inequity	3	2%
Remove/do not allow alcohol bans in certain public places	3	2%
Amend the process to make an alcohol ban	2	1%
Prohibit other behaviours/substance use	2	1%
Reasonable and economically beneficial	2	1%
Allow a limited amount of BYO alcohol at events	1	1%
Reduce ban area/time	1	1%
Increase ban area/time	1	1%
Restrict alcohol to designated areas within the venue	1	1%
Concern about benefits to council/vendors	0	0%
Ban the sale of alcohol in an alcohol ban area	0	0%
Include definition of ‘major event’	0	0%

### Māori feedback

Of the 157 responses to this question, 17 of the submitters identified as Māori. Of these, 65 per cent supported the proposal.

Māori views differed to the rest of the submitters, with the main theme that it creates clearer, more efficient and enforceable rules.

**ATTACHMENT D**  
**ONLINE AND WRITTEN FEEDBACK**



**ATTACHMENT D**  
**ONLINE AND WRITTEN FEEDBACK**  
**(This attachment can be found [here](#))**



**ATTACHMENT E**  
**“HAVE YOUR SAY” EVENT FEEDBACK**



## Attachment E – ‘Have Your Say’ event feedback

### An in-person ‘Have Your Say’ event<sup>1</sup> was held on 20 October 2020

#### A stall at the Central City Library enabled members of the public to have their say

The stall included a table, chairs, council flag and posters of the proposals on signage boards (including maps of proposed new temporary alcohol ban areas). It provided:

- post-it notes, dot stickers, and pens to record feedback on proposal posters
- hard copies of the feedback form
- flyers about the proposal
- hard copies of the Statement of Proposal and proposed new bylaw.

#### Members of the public engaged with staff and the Bylaw Panel about the proposals<sup>2</sup>

- 19 members of the public spoke to council representatives about the proposals, of which:
  - 15 took a flyer outlining the proposals and ways to have their say
  - four posted dot stickers and post-it notes in agree and disagree columns on the proposal posters:
    - Three people agreed and one person disagreed with Proposals 1A – E about proposed new temporary alcohol bans.
    - No one engaged with Proposals 2 and 3 about making the Bylaw easier to understand.

Comments included that:

- the member of the public does not like alcohol and supports anything restricting it
- if people must buy alcohol at the venue rather than bring their own, venues could offer lower-alcohol drinks or cheaper alcohol.
- the proposed temporary alcohol bans could disproportionately affect vulnerable communities or young people more likely to interact with the Police and drink outside venues.

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<sup>1</sup> The ‘Have Your Say’ event provided an informal, in-person opportunity for interested members of the public to clarify the proposal and provide views by speaking with Panel members or staff.

<sup>2</sup> Council representatives approached every person; no person came specifically to the event to have their say.



# **ATTACHMENT F**

## **OPERATIONAL AND NON-BYLAW-RELATED PUBLIC FEEDBACK**



## Attachment F: Operational and non-Bylaw-related feedback

Feedback was received on operational and non-bylaw-related matters (summarised below) alongside feedback on the proposal. These matters will be shared with relevant council staff to consider as operational matters.



### Alcohol ban signage

Comments included recommendations to:

- include Alcohol Drug Helpline information on some or all alcohol ban signage
- use simpler, larger, more uniform signage to reduce costs and improve understanding
- include on signage common languages, image representations, and information about exceptions to alcohol bans
- place signage on main roads, event venue entrances, around eateries and bottle stores
- reduce the use of signage due to visual amenity concerns
- increase the use of signage for enforceability
- improve and update existing signage (for example, outdated Manukau City Council signage).

There were also other comments about:

- the importance of clear, prominent signage for awareness and enforcement
- concern about a reduction in signage or extra, costly signage
- no need for signage if alcohol is banned.



### Enforcement

Comments included recommendations to:

- provide consistent and greater enforcement for event bans and existing bans, for example at Mission Bay and in Manurewa
- pass any costs onto licenced premises
- introduce tougher penalties for breaching bans and for disorderly intoxicated people.

There were also other comments about:

- the importance of other alcohol harm reduction measures to address any displacement of harm to a different area
- the importance of alcohol ban enforcement (including for exceptions) and the need for more enforcement, especially on public transport
- the importance for bans and other bylaws to be easily understood and enforceable
- ensuring event organisers are responsible for following exception rules
- concern about enforcement costs and responsibility for enforcing BYO and licensed premises rules.



### Central government legislation

Comments included recommendations to:

- provide stronger penalties for alcohol offences
- advocate for legislation change to enable council to add or remove alcohol ban exceptions
- revise the term 'alcohol ban' as it is not reflective of current bans and exceptions
- increase tax on alcohol.

Another comment noted frustration with council's implementation role of central government legislation it cannot change.



## Education

Comments included recommendations to reduce alcohol-related harm by:

- improving awareness of alcohol bans
- providing classes about safe drinking
- advertising against excessive drinking and public intoxication
- limiting advertising and alcohol sponsorship to address binge-drinking culture
- better using Provisional Local Alcohol Policy to send clearer message about acceptability of alcohol and its role in the community
- promoting healthy drinking instead of restricting alcohol access to licensed premises, which increases venue revenue.

There were also other comments about:

- the importance of public and event organiser awareness of bans
- methods for bans to be communicated consistently and efficiently including through signage, posters, advertising, and QR codes for event bans.



## Event implementation

Comments included recommendations to:

- address rise in use of party pills and MDMA that could be further increased by an alcohol ban by introducing testing and support services such as [Know Your Stuff](#) and [Red Frogs](#)
- ensure events staff (including in hospitality, security, emergency services) are trained to identify and manage people who are intoxicated or under the influence
- ensure information is available to support people removed from the venue due to intoxication or possession of banned substances
- introduce regularly serviced toilet facilities on the Eden Park Fan Trails
- encourage non-alcoholic or healthy food alternatives/subsidise a soft drink bar
- restrict alcohol to designated, well-distributed areas within the venue
- ban cannabis and other psychoactive substances, public urination, intoxicated people from attending events, smoking and vaping
- ensure litter clean-up post-event
- address issues that could cause drinking outside the venue, such as high prices, waiting times, restrictions on range availability or quantities
- contain all rules for alcohol and drug use at events in one location
- reconsider Coca-Cola sponsorship of 'Christmas in the Park' due to health and waste concerns about the company
- ensure strong communication of event alcohol bans for those not attending.



## Licensed premises

Comments included recommendations to:

- reduce the number of licensed premises
- prohibit or reduce new licences in lower-income areas
- ban drinking in public places aside from licensed premises.

Other comments included:

- to amend how licensed premises operate:
  - prohibit alcohol sale at concerts and to intoxicated people
  - control alcohol prices, total quantity allowed to be sold, and quantity sold per person from supermarkets
  - ban sale of alcohol in glass bottles
  - prohibit external bar areas and tables and chairs on footpaths
- licensed premises in an alcohol ban area reduces ban efficacy and sends a conflicting message to the public
- to amend BYO rules:
  - allow BYO of alcohol in opened container
  - ban intoxicated people from BYO
  - limit alcohol brought to BYO restaurants
  - allow BYO at all restaurants.

# **ATTACHMENT G**

## **LOCAL BOARD AND AUCKLAND DOMAIN COMMITTEE VIEWS ON PUBLIC FEEDBACK**



## Attachment G – Views of local boards and the Auckland Domain Committee

This attachment contains the views of local boards and the Auckland Domain Committee on public feedback to the proposal to amend the Alcohol Control Bylaw 2014.

The Ōrākei Local Board resolved to provide its views at its business meeting on 18 March 2021 (OR/2021/5). These will be tabled for the Bylaw Panel deliberations on 19 March 2021.

### Local boards that provided additional views to the public feedback

The local boards in the table below support or noted the public feedback, and provided additional views.

View of local board	Staff comment
<p><b>Franklin Local Board (FR/2021/11)</b></p> <p>a) note the public feedback by people from the local board area in this agenda report as being in support of the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 with the following comments:</p> <p>(i) the requirement for liquor bans around major event facilities should be applied with equity and consistency in mind i.e. implementation costs should aim to be reasonable and comparable across facilities</p> <p>(ii) temporary liquor bans should be supported by effective signage and communications to support public compliance and to support police enforcement.</p>	<ul style="list-style-type: none"> <li>• Council's Events Policy provides for the consistent application of event-based temporary alcohol bans to major events.</li> <li>• Implementation costs are consistently applied for the required public notification, and signage in the ban area.</li> </ul>
<p><b>Kaipātiki Local Board (KT/2021/7)</b></p> <p>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report.</p> <p>b) adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal:</p> <p>(i) the Kaipātiki Local Board does not support proposal 1B for a new temporary alcohol ban for 'Christmas in the Park' at Pukekawa / Auckland Domain for the following reasons:</p> <p>A) the board believes such a ban is an unreasonable limitation on what is essentially a family event;</p> <p>B) the board believes that most people at this event behave and drink responsibly; and</p> <p>C) there are other means available to manage anti-social behaviour without the use of a temporary alcohol ban.</p>	<ul style="list-style-type: none"> <li>• Refer to Attachment A to agenda report, Proposal 1B.</li> </ul>

View of local board	Staff comment
<p><b>Māngere-Ōtāhuhu Local Board (MO/2021/15)</b></p> <p>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakararata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report</p> <p>b) adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal:</p> <p>(i) support the Auckland Council's proposals on the Alcohol Control Bylaw 2014 and adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations the local board provides the following:</p> <p>a) more controls on alcohol consumption such as designated areas and in particular at family events</p> <p>b) considered prevention and intervention on our public transport networks and 'fan trails' as negative alcohol effects are not limited only to the stadiums</p> <p>c) appoint Member Bakulich and Member Peo to present the views in (b) to the Bylaw Panel on Friday 19 March 2021</p> <p>d) delegate authority to the local board chair to make replacement appointment(s) to the persons in (c) if a member is unavailable.</p>	<ul style="list-style-type: none"> <li>• The District Licensing Committee decides licence applications, including the size of licensed areas at events.</li> <li>• Proposal includes Eden Park Fan Trails if activated as part of a major event at Eden Park Stadium.</li> <li>• Auckland Transport has a 'no alcohol' policy across the public transport network. Existing permanent alcohol ban areas include some parts of the public transport network.</li> </ul>
<p><b>Waitematā Local Board (WTM/2021/1 – 7)</b></p> <p>a) receive the public feedback to the proposal to amend Te Ture ā-Rohe Whakararata Waipiro / the Alcohol Control Bylaw 2014 by 82 people from the local board area in this agenda report</p> <p>b) note that the age group most likely to be affected by these changes is underrepresented in the feedback and that more effort ought to be made in future consultations to ensure a better response from affected and underrepresented groups</p> <p>c) provide the following local board views on the public feedback to assist the Bylaw Panel in its deliberations on all public feedback to the proposal:</p> <p>(I) support feedback by people from the Waitematā Local Board area for new temporary alcohol bans for all major events at Pukekawa / Auckland Domain in the bylaw including the Lantern Festival and Christmas in the Park</p> <p>(II) support the feedback by people from Waitematā Local Board area for new temporary alcohol bans for all major events at Waiōrea / Western Springs Stadium in the Bylaw, and note that the area of this proposed ban includes the stadium, lakeside (including quarry) and outer fields.</p> <p>(III) note that the proposal is for major events at Western Springs stadium and not at other parts of Western Springs</p> <p>(IV) do not support Auckland Unlimited's proposal to include major events at Western Springs outer fields in the bylaw and recommend that temporary alcohol bans continue to be considered by the local board specific to each event</p> <p>(V) note public concerns of people consuming alcohol to and from major events at Western Springs Stadium and recommend the inclusion of any associated fan trails in the ban should there be any in the future</p> <p>(VI) support the public feedback for new temporary alcohol bans for all major events at Eden Park and Rarotonga / Mount Smart Stadium in the Bylaw</p>	<ul style="list-style-type: none"> <li>• Refer to Attachment A to agenda report, Proposals 1B – C and 1E.</li> <li>• Police enforce alcohol bans, often using education in the first instance.</li> </ul>

View of local board	Staff comment
(VII) support the inclusion of specific fan trails if they are activated as part of major events at Eden Park particularly along Ponsonby Road and recommend that it include the side streets (VIII) support the feedback in favour of ensuring that the bylaw is clear, uses simple language and avoids duplication and possible inconsistencies d) appoint the local board chair Richard Northey to present the local board views to the Bylaw Panel on Friday 19 March 2021. e) note that the Bylaw is to prevent disorderly behaviour, the board recommend that enforcement is led by behaviour rather than age, gender or race.	

### Views of local boards that support the public feedback

The local boards in the table below support the public feedback.

View of local board	Resolution
<b>Albert-Eden Local Board</b> a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report. b) support the proposed changes to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014, noting the following community support from Albert-Eden Local Board area: (i) 68 per cent agree with the new temporary alcohol ban for major events at Eden Park (including two Fan Trails if activated as part of the event) (ii) 73 per cent agree with the new temporary alcohol ban for major events at Waiōrea / Western Springs Stadium. c) appoint Member Robertson to present the views in resolution b) to the Bylaw Panel on Friday, 19 March 2021. d) delegate authority to the local board Deputy Chairperson to make replacement appointment(s) to the persons in resolutions c) if a member is unavailable. e) thank Baylee Vyle – Policy Advisor, for her attendance via Skype-for-Business.	AE/2021/6
<b>Hibiscus and Bays Local Board</b> a) receive the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report b) agree with the public views that simplifying the language of the Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 is a positive move.	HB/2021/4
<b>Ōtara-Papatoetoe Local Board</b> a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report b) adopt the following views on the public feedback to assist the Bylaw Panel in its deliberations on all public feedback to the proposal: (i) note and support the feedback from local communities for amendment to the Bylaw to reduce harm from alcohol e.g. alcohol-related crime and disorder and improves public safety; and creates clearer, more efficient and enforceable rules.	OP/2021/14
<b>Manurewa Local Board</b> a) receive the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report b) adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal	MR/2021/10

<ul style="list-style-type: none"> <li>(i) support the proposed amendments to Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014</li> <li>(ii) note that amending the Bylaw to provide clearer, more consistent and enforceable rules aligns with the board's objective to reduce alcohol related harm as part of Outcome One of the Manurewa Local Board Plan 2020, 'Our communities are inclusive, vibrant, healthy and connected'</li> <li>(iii) note that community feedback from the Manurewa Local Board area shows strong support for the proposed amendments to the Bylaw.</li> </ul>	
<p><b>Maungakiekie-Tāmaki Local Board</b></p> <ul style="list-style-type: none"> <li>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report;</li> <li>b) adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal: <ul style="list-style-type: none"> <li>(i) endorse the public feedback that the alcohol bylaw change will be useful and important as it works towards a healthier lifestyle, reduces social harm and creates clearer, more efficient and enforceable rules;</li> <li>(ii) note the bylaw change as it aligns with the Maungakiekie-Tāmaki Local Board Plan 2020 Outcome 1: our diverse communities are active, involved and engaged;</li> <li>(iii) support the proposed amendments to Te Ture ā Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014.</li> </ul> </li> </ul>	MT/2021/9
<p><b>Papakura Local Board</b></p> <ul style="list-style-type: none"> <li>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report</li> <li>b) adopt the following views on the public feedback to the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 to assist the Bylaw Panel in its deliberations on all public feedback to the proposal: <ul style="list-style-type: none"> <li>(i) Note that of the 881 submissions received on the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014, 24 submissions were received from the Papakura Local Board area.</li> <li>(ii) The number of submissions from the Papakura Local Board area was a low sample size, 24 submissions equating to three percent of the number of submissions received.</li> <li>(iii) It is noted that not all submitters responded to the proposal to introduce temporary alcohol bans for major events at four regional venues, meaning the response numbers were even lower.</li> <li>(iv) The board support the proposal to introduce new temporary alcohol bans for major events at four regional venues (Rarotonga / Mount Smart Stadium, Waiōrea / Western Springs Stadium, Eden Park and Pukekawa / Auckland Domain), to reduce alcohol-related crime and disorder, noting there was marginal agreement by Papakura Local Board submitters.</li> <li>(v) The board support proposal 2 and 3 to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014, to make it easier to read and understand.</li> </ul> </li> </ul>	PPK/2021/13

<p><b>Puketāpapa Local Board</b></p> <p>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report.</p> <p>b) provide the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal:</p> <p>(i) support, in principle, the proposed inclusion of new temporary alcohol bans for major events at Rarotonga / Mount Smart Stadium, Waiōrea / Western Springs Stadium, Eden Park and Pukekawa / Auckland Domain, noting that these venues are not located within our local area.</p> <p>(ii) support making the bylaw easier to understand and utilise, with a level of clarity that supports ease of enforcement.</p> <p>(iii) note its support for appropriate alcohol bans in our local area and in our community at large, in alignment with our Healthy Puketāpapa Strategic Health and Wellbeing Framework.</p>	PKTPP/2021/3
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### Local boards that did not provide views to the public feedback

The local boards in the table below did not provide views with the resolution that the board “note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report”.

Local board	Resolution
Devonport-Takapuna Local Board	DT/2021/5
Henderson-Massey Local Board	HM/2021/13
Howick Local Board	HW/2021/8
Waiheke Local Board	WHK/2021/25
Waitākere Ranges Local Board	WTK/2021/9
Whau Local Board	WH/2021/7

The following local boards also did not provide views as shown in the table below.

Local board	Resolution
<p><b>Aotea / Great Barrier Local Board</b></p> <p>a) receive the report and note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report.</p>	GBI/2021/9
<p><b>Rodney Local Board</b></p> <p>a) note the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report.</p> <p>b) note that the local board is not providing any additional feedback or views to assist the Te Ture a Rohe Whakakarata Waipiro/ Alcohol Control Bylaw 2014 Bylaw Panel in its deliberations.</p>	RD/2021/192
<p><b>Upper Harbour Local Board</b></p> <p>a) receive the public feedback to the proposal to amend Te Ture ā-Rohe Whakakarata Waipiro / the Alcohol Control Bylaw 2014 by people from the local board area in this agenda report.</p> <p>b) note that the local board does not wish to provide feedback to the Bylaw Panel in its deliberations on all public feedback to the proposal.</p>	UH/2021/3

## The Auckland Domain Committee provided additional views to the public feedback

The Auckland Domain Committee noted the public feedback and provided additional views.

View of Auckland Domain Committee	Staff comment
<p><b>Auckland Domain Committee (ADC/2021/4)</b></p> <ul style="list-style-type: none"> <li>a) receive the public feedback from within the local area on the proposal to amend Te Ture ā-Rohe Whakarangata Waipiro / the Alcohol Control Bylaw 2014 relating to Pukekawa / Auckland Domain as attached to the report.</li> <li>b) note the views on the public feedback in clause a) for the consideration of the Bylaw Panel in its deliberations on all public feedback.</li> <li>c) support in principle family friendly events being alcohol free</li> <li>d) endorse case by case decision making consideration for major events at the Domain made by the Auckland Domain Committee.</li> <li>e) appoint the Deputy Chair of the Auckland Domain Committee to present the views in clause b) to the Bylaw Panel on Friday 19 March 2021.</li> <li>f) delegate authority to the Auckland Domain Committee chair to appoint replacement(s) to the persons in clause c) should an appointed member be unable to present to the Bylaw Panel on Friday 19 March 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Attachment A to agenda report, Proposals 1A – B.</li> </ul>