



chatham islands council

**STATEMENT OF PROPOSAL
TO ADOPT THE
CHATHAM ISLANDS COUNCIL
CONTROL OF ALCOHOL IN PUBLIC PLACES BYLAW 2023**

September 2023

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Making a submission

Submissions can be made in writing using the submission form on the Council's website – www.cic.govt.nz

Hard copies of the submission form are available from the Chatham Islands Council office, or by request at info@cic.govt.nz

**The formal consultation period will last for 30 working days,
running from 2 October 2023 and
closing at 4.30pm on 13 November 2023**

Persons who wish to be heard by Council will be given the opportunity to do so. If you wish to make an oral submission, please indicate YES on the submission form and ensure you have included your contact details. We will contact you to arrange a time for you to speak.

Submissions will be heard on 6 December 2023

Introduction

- 1.1 This Statement of Proposal relates to the proposed adoption of the draft Chatham Islands Council Control of Alcohol in Public Places Bylaw 2023.
- 1.2 The purpose of the Control of Alcohol in Public Places Bylaw is to enhance the safety of the public and allow the responsible enjoyment of public places in the District. This is achieved by providing alcohol-free zones in public places, at specified dates and times.
- 1.3 The Council has reviewed the current bylaw that regulates the possession and consumption of alcohol in public places and is proposing some minor amendments to the original bylaw.

Legislative

- 1.4 The Local Government (Alcohol Reform) Amendment Act 2012 requires that the Control of Alcohol in Public Places Bylaw 2013 be reviewed every five years from the day it was adopted.
- 1.5 While undertaking this review, the LGA 2002 requires Council to consider whether the bylaw:
 - a. Continues to be the most appropriate way of addressing alcohol-related harm on the island;
 - b. Is still the most appropriate form of bylaw; and / or
 - c. Gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 1.6 The LGA 2002 also requires that Council consult with the community on the bylaw review, and give public notice of when the new bylaw comes into operation. This process would involve revoking the existing Control of Alcohol in Public Places Bylaw 2018, and adopting the proposed Control of Alcohol in Public Places Bylaw 2023 in its place.
- 1.7 To enable public understanding of the bylaw review process and the proposed amendments, the LGA 2002 requires Council to present this Statement of Proposal.

Background

- 1.8 Alcohol free zones prohibit the possession or consumption of alcohol in specific public places. Studies have found that alcohol free zones are effective in reducing negative impacts associated with alcohol including offensive behaviour, feeling unsafe, excessive noise, littering and property damage, threats to personal safety and crime.

- 1.9 The recommendation to extend restrictions on alcohol in public places to ‘at any time’ was driven by a desire to give Police greater opportunity to intervene in incidents of alcohol-related crimes before they escalated. Although it is the Council’s role to develop and adopt a Control of Alcohol in Public Places Bylaw that is appropriate for the community’s needs, it is the Police that are responsible for enforcing breaches of the bylaw.
- 1.10 Police enforce the bylaw using a graduated response. This means that the majority of cases are resolved by verbal warnings, but Police can escalate enforcement through written warnings, fines and eventually arrests if required. During the development of the bylaw, it was important to the community that the bylaw should not interfere with responsible alcohol consumption – for instance, a picnic or fish and chips by the beach during the evening in daylight hours – and the Police’s graduated implementation approach allows for this.
- 1.11 When making or reviewing bylaws, Council is required by the LGA 2002 to make three determinations to ensure:
- a. the bylaw is necessary;
 - b. is the most appropriate form of a bylaw; and
 - c. considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 1.12 Council considers that the Control of Alcohol in Public Places Bylaw continues to be necessary to reduce negative impacts associated with the possession and consumption of alcohol in public places. While Police and other community service organisations continue to use a range of tools to reduce alcohol-related crime and harm, alcohol free zones are the only mechanism available to restrict alcohol in public places with effective enforcement mechanisms.

Proposed Amendments to the Bylaw

- 1.13 Council is not proposing any significant amendments to the existing bylaw, but have proposed to increase the hours the bylaw covers to be ‘at any time’.
- 1.14 Council also wanted more clarity of the area covered by the bylaw, so a new map has been produced to accompany the bylaw, noting the areas covered by the bylaw are all public places, roads and road reserves.

Consultative Procedure

- 1.15 The LGA 2002 requires that the community be consulted on the adoption, review or amendment of a bylaw. Accordingly, the Council is using the special consultative procedure, which requires the initiation of a formal submission process.

1.16 The Council would like to know what residents, ratepayers, and stakeholders think about the draft Chatham Islands Council Control of Alcohol in Public Places Bylaw 2023.

1.17 The proposed plan is as follows:

Task	Date
Council approved the draft 2023 Bylaw and a Statement of Proposal for public consultation	20 July 2023
Submissions Open	2 October 2023
Submissions Close	13 November 2023
Hearing of Submitters	6 December 2023
Council Decision	14 December 2023
Effective Date of Bylaw	15 December 2023

Methods for Making a Submission

1.18 Submissions can be made in writing, by mail or by email.

1.19 To make a submission in writing, use the submission form attached in Appendix 2. Submissions can be dropped off at Council or can be emailed to secretary@cic.govt.nz or posted to –

Submission
Chatham Islands Council
PO Box 24
Chatham Islands

Submission Period

1.20 The formal consultative period will be 30 working days from 2 October 2023 to 13 November 2023.

Hearing of Submissions

1.21 Persons making written submissions who wish to be heard by Council will be given the opportunity to do so. Submissions will be heard on 6 December 2023. Submitters wishing to speak to the Council in support of their submission must indicate YES on the official submission form.

Appendices

Appendix 1: Draft CIC Control of Alcohol in Public Places Bylaw

Appendix 2: Official submission form