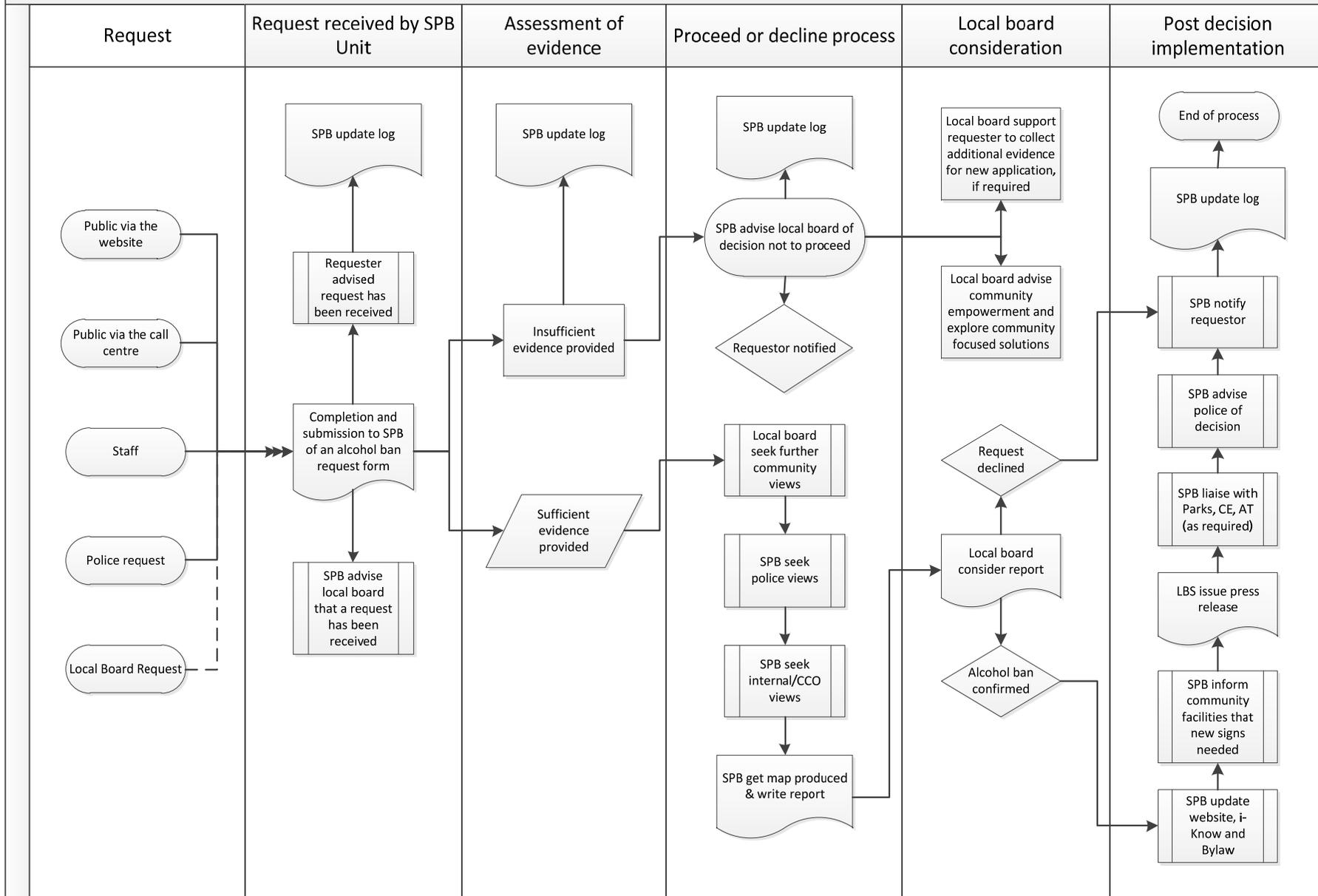


Auckland Council Permanent Alcohol Ban Request Process 2016

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Policy process for permanent alcohol ban requests



1.0 Introduction

Auckland Council recently reviewed all of its permanent alcohol bans. New national criteria¹ means that there has to be documented evidence that can show a high level of site specific alcohol related crime or disorder before a new permanent alcohol ban can be made.

The purpose of this document is to outline the new permanent alcohol ban policy process that will be followed if a new alcohol ban request is made, in order to ensure that the new requirements under national legislation are met.

Because of the high level of evidence required to support a ban, community based solutions should be sought wherever possible as the primary means of managing alcohol related crime and disorder in the community.

Alcohol related disturbance in the community is best managed through a collaborative approach. Everyone has a role to play, including local boards, the social policy and bylaws (SPB) unit, local board services (LBS), community empowerment, parks and recreation, and the police. The respective roles of each in the new alcohol ban process are as follows:

Stakeholder roles in the permanent alcohol ban policy process

Local boards	<p>Make decisions as to whether or not a new permanent alcohol ban should be passed, based upon consideration of the available evidence, the views of the community, and advice from council staff.</p> <p>Encourage and help members of the public to document and collect evidence of alcohol related crime or disorder in an area. Examples may include leafleting affected households, conducting public forums, and liaising with local community groups.</p> <p><i>Note: Requests for new alcohol bans should be submitted by members of the public or by community groups, rather than directly by the local board, as local boards act as the decision makers in considering alcohol ban requests in their area.</i></p>
Social policy and bylaws unit	<p>Provide quality policy advice to decision makers, based upon careful analysis of the available evidence and consideration of the requirements under the Alcohol Control Bylaw 2014.</p> <p><i>Note: The Social Policy and Bylaws unit does not have the capacity to undertake investigations of alcohol related complaints.</i></p>
Local board services	<p>Support local boards in the decision making process for new permanent alcohol bans.</p> <p>Help local boards fulfil their role in supporting members of the community to compile evidence of alcohol related crime and disorder.</p>
Community empowerment	<p>Suggest and (where appropriate) implement community based solutions to alcohol related crime or disorder, either as an alternative or compliment to an alcohol ban.</p>
Parks and	<p>Provide evidence (if available) of alcohol related crime or disorder in ban</p>

¹ Clause 147A Local Government Act 2002

recreation	request areas. Suggest and (where appropriate) implement site-specific community focused solutions as an alternative or compliment to new alcohol bans.
Community facilities	Installation and maintenance of alcohol ban signage (regardless of location).
Police	Provide evidence (if available) of alcohol related crime or disorder in ban request areas. Suggest site-specific community focused solutions as an alternative or compliment to new alcohol bans. Enforce new alcohol bans.

2.0 Policy process for new alcohol bans

2.1 Alcohol ban process details

The following process will be followed to receive, assess and implement a new alcohol ban. This process will be completed for each request.

Please note that if the Social Policy and Bylaws Unit find that they are receiving a large volume of requests over the next 6 months, and that these requests cannot be processed as received, they will be batched up and processed every six months.

The process is as follows:

1. A new alcohol ban enquiry is received from the public, local board, staff, or police either through council's contact centre or direct to SPB.
 - a) For public, staff and police, they will be directed to complete the alcohol ban request form (Appendix one) if they have not done so already. The form is available both [here](#) (intranet) and [here](#) (internet) – *both forms need to be updated.*
 - b) Local Boards cannot request an alcohol ban as they are the decision maker in the process and to do so would be a clear conflict of interest. Local boards should instead encourage and facilitate their constituents to complete the request form.
2. A completed alcohol ban request form is received by SPB.
3. The request is entered into a request log by SPB staff. SPB will check the request log to see if there are previous requests for the same location, and will use the same reference number to link multiple requests for the same location.
4. SPB send a formal acknowledgement email/letter to the requestor upon receipt of the request form in the SPB unit. The requestor will be informed that a decision will be made on whether or not to proceed further with the request within 15 working days (see Appendix two).
5. SPB inform the relevant local board adviser of the alcohol ban request.

6. SPB check to ensure the alcohol ban request is not for an area already covered by an existing alcohol ban.
7. SPB undertake an assessment of the ban request using the criteria in Section 3.0
8. Within 5 working days, SPB decide whether or not to proceed further with the alcohol ban request.

Scenario One - insufficient evidence provided

9. SPB decide insufficient evidence is available to proceed with the request.
10. SPB prepare email to the local board adviser informing them that SPB staff have assessed the evidence provided against the requirements in Section 3.0, and determined that there is insufficient evidence to proceed with a ban at this stage. SPB will inform the adviser that the community empowerment unit will also be informed of the request, and that SPB will inform the requester within 5 working days.
11. SPB will advise community empowerment of the ban request within 15 working days of receipt of the completed alcohol ban request form. Community empowerment will be informed as there may be community-focused solutions that could address the problem identified.
12. SPB will advise the requester of the decision not to proceed with an alcohol ban request to the local board at this stage, due to the evidence available not meeting the evidence threshold required (see Appendix 3A). The requester will be sent this notification within 15 working days of receipt of the alcohol ban request form. They will be informed that LBS and community empowerment have been notified of both the original request, and the decision not to proceed.
13. In communicating to the requester, SPB will explain the need to compile a strong body of evidence of site specific crime and disorder clearly linked to consuming alcohol in the area. SPB will encourage the requester to continue filling out the log attached to the alcohol ban request form, and to liaise with their local board to explore ways of gathering more evidence, such as having other residents log incidents (Appendix 3A).
14. SPB will update the request log with the information that the request was analysed, with a date and note that insufficient evidence is available to proceed at this stage. The request will remain on the log indefinitely, as new requests will need to be checked against previous requests made.

Scenario Two - sufficient evidence provided

15. SPB staff determine that sufficient evidence is presented to proceed with a report to the local board on the alcohol ban request, according to the criteria in Section 3.0
16. SPB inform local board adviser of the decision to proceed with the ban request.
17. SPB advise requester that staff are proceeding with the request and will submit a report for the consideration of the local board (Appendix 3B)

18. SPB prepare map showing exact location of the proposed ban area from the diagram provided on the request form and confirm with requester.
19. SPB liaise with relevant internal / CCO stakeholders: community empowerment for community focussed solutions, community facilities (or licensing and compliance) to make them aware of the possible need for new signage, parks for evidence and community focused solutions, Auckland Transport for evidence and issues that may arise in road corridors. A map of the proposed ban area will be included.
20. SPB to consider the impact on Maori of the proposed alcohol ban area.
21. SPB consult with the police to verify evidence of alcohol related crime and disorder in the proposed alcohol ban area and any community focused solutions.
22. SPB to consult with any private land holders affected, and seek their consent for an alcohol ban on their property if required (See Appendix 4)
23. SPB to update the request log with all of this information.

Report preparation

24. SPB prepare a report to the local board based on the report template and within info-council deadlines. Key considerations for the report to address:
 - a) Confirm that the evidence provided matches with the proposed alcohol ban area, and finalise map if amendments are required
 - b) Conduct analysis of surrounding alcohol ban areas to ensure the proposed timing is consistent and proportionate – could an adjoining ban be expanded?
 - c) Consider whether the local board has sufficient knowledge of the views and preferences of all the persons who will be affected by an alcohol ban – can the local board make a decision or will they have to/ want to consult more widely – i.e. through a mini notification process.

Local board consider the alcohol ban request

If the local board approve the new alcohol ban request:

25. SPB Update the request log to 'approved' status.
26. SPB advise the requester of the decision.
27. SPB inform community facilities to arrange sign manufacture and installation.
28. SPB make Logit GIS request "Permanent alcohol ban".
29. SPB advise police and alcohol licensing of the decision and supply them with information and a map of the new ban area.
30. SPB advise any affected property owners within the alcohol ban area of the decision.
31. SPB update i-know, the website and the bylaw with new ban area information
32. SPB inform the local board adviser to do a media release in the local paper

33. SPB close process

If the local board decline the new alcohol ban request

34. SPB inform the requester of the local board's decision.

35. SPB keep the request on the request log, mark as declined and add in notes

36. SPB close process

If the local board agree subject to public notification for submissions

37. Local board services run a public notification process (public notification, organising hearings, deliberations and decision meetings and minutes, and decision notices).

38. SPB provide policy advice (content of notices, receipt and summarising of submissions, prepare hearing and decision report, advice at hearings, signage).

3.0 Assessment of evidence provided for a new alcohol ban

The purpose of the assessment criteria and guide is to provide a framework through which to assess all evidence of crime and disorder received during the alcohol ban review process.

All submitted evidence needs to show a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the proposed alcohol ban area. This will be the primary consideration for staff in making a decision on whether or not to proceed with the ban request.

There are four sequential phases:

1. Determine that there is strong and robust evidence of crime or disorder having been caused or made worse by the consumption of alcohol in the specific location
2. Categorise the nature and severity of crime or disorder that is taking place
3. Assess the frequency of this alcohol related crime or disorder
4. Formulate a proportionate response

Ban requests with multiple pieces of supporting evidence, well documented with dates, times and supporting evidence, will strengthen requests for a permanent alcohol ban. Staff will make a recommendation based upon all of the evidence provided.

3.1 Assessment of evidence and the link to drinking alcohol in the ban request area

39. SPB staff will review the log of incidents recorded by the requester in the alcohol ban request form. The log table asks requesters to record what happened, the date and time,

and to record why they think drinking alcohol in the location contributed to the crime or disorder experienced.

40. If requesters do not provide a completed log with the ban request, SPB staff will enter the information provided into the table below in order to be able to make an assessment of the quality of the evidence, and the explicit link between the incident recorded, and drinking alcohol in the ban request area.

Date and time of incident	Incident: what was the crime or disorder	Link to drinking alcohol in the ban request area

41. Only those ban requests that provide evidence of alcohol related crime and disorder specifically linked to drinking in the area will proceed further.

3.2 Categorise the nature and severity of crime or disorder

42. The nature and severity of the crime or disorder experienced will be categorised into one of the four boxes below.

1. Nuisance	2. Perceived threat
<p>May include:</p> <ul style="list-style-type: none"> • alcohol related litter • broken alcohol bottles • excessive noise related to the consumption of alcohol in the area • disorder (including property damage, public urination) resulting from drinking alcohol in the area 	<p>When a person or groups of people drinking behave in a threatening and/or abusive manner towards each other. Residents may have a perceived fear of safety resulting in an unwillingness to use public spaces.</p> <p>May include:</p> <ul style="list-style-type: none"> • verbal threats of physical violence (directed towards other people in the group who are drinking) • offensive and/or aggressive behaviour (directed towards other people in the group who are drinking) • intimidation (directed towards other people in the group who are drinking) • abusive language (directed towards other people in the group who are drinking) • threatening actions (directed towards other people in the group who are drinking)
3. Actual threat	4. Physical harm
When a person or groups of people drinking behave in a threatening and/or	Where people experience actual physical harm. This could be a member of the drinking

<p>abusive manner towards members of the public outside of the drinking group.</p> <p>May include:</p> <ul style="list-style-type: none"> • verbal threats of physical violence (directed towards members of the public outside of the drinking group) • offensive and/or aggressive behaviour (directed towards members of the public outside of the drinking group) • intimidation (directed towards members of the public outside of the drinking group) • abusive language (directed towards members of the public outside of the drinking group) • threatening actions (directed towards members of the public outside of the drinking group) 	<p>group (including cases of self-harm), or members of the public outside of the drinking group.</p> <p>May include:</p> <ul style="list-style-type: none"> • fighting, street brawls • personal injury • assault <p>Extreme examples include:</p> <ul style="list-style-type: none"> • Sexual violence • Assault with a deadly weapon • Murder, manslaughter, attempted murder
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3.3 Frequency of alcohol related crime or disorder

43. The severity of the crime or disorder experienced will then be assessed against the frequency of occurrence. SPB staff will place the request within one of the matrix boxes below, based upon the evidence provided.

	Frequency				
Nature and severity	One-off	Occasionally (monthly)	Public holidays	Frequently (weekly)	Daily
Nuisance					
Perceived threat					
Actual threat					
Physical harm					

Key

Alcohol ban likely to be justified - strong evidence of high levels of crime or disorder related to alcohol consumption in the area

Alcohol ban may be justified – moderate evidence of high levels of crime or disorder related to alcohol consumption in the area

Alcohol ban unlikely to be justified - limited evidence of high levels of crime or disorder related to alcohol consumption in the area

3.4 Formulate a proportionate response

44. If the frequency and severity of the alcohol related crime or disorder suggest that an alcohol ban may be (orange) or is likely to be (red) justified, the next step is to determine the most appropriate response.

The response should involve the least amount of restriction on people's rights and freedoms to address the alcohol related crime or disorder being experienced.

SPB will:

45. Consider whether there are practical community-focused solutions as an alternative to an alcohol ban? For instance, gating, lighting, CCTV, community patrols (see paragraph 19)

If an alcohol ban is considered to be the most appropriate response, then SPB will:

46. Consider the extent of the area requested to be covered by the ban. Are the boundaries of the ban area clear, sensible and enforceable? (For example, if a park is an open grass area and the problems are only occurring in one part of the park, consider applying the ban to the whole park. Conversely if a park has natural boundaries that create sub-areas then consider applying the alcohol ban only to those sub-parts where problems occur).
47. Consider extending an existing alcohol ban area.
48. Consider the times of the alcohol ban.
49. Consider adjacent ban times.
50. Consider applying the times in the bylaw - subclause 2(i) - that are the closest to addressing the times the problems are occurring:
- Consider days of the week or year in which the ban will apply (specific days of the week, weekends and/or holidays, or every day of the year)
 - Consider times of the day in which the ban will apply: 7PM – 7AM; 10PM – 7AM daylight saving and 7PM to 7AM outside daylight saving; 7PM on the day before to 7AM on the day after any weekend, public holiday or Christmas / New Year holiday period; 24 hours a day.
51. Consider community-focused solutions to complement an alcohol ban. For example, gating, lighting, CCTV, community patrols (see paragraph 19).
52. Consider whether enough is known about the views of the community. Section 76 of the LGA 2002 requires any decision to have regard to the views of the community. This may be obtained from previous decisions, reviews or consultations. However, if community views are not known, it may be necessary to engage the community on the alcohol ban proposal. The level of engagement required is a decision for the local board, and may require a letter drop for feedback, a public meeting or special consultative process (SCP).

Appendix 1: Alcohol ban request form

Alcohol ban request form

Please use this form to request an alcohol ban. In 2015 Auckland Council reviewed all of its permanent alcohol bans. Current alcohol ban maps can be viewed at www.aucklandcouncil.govt.nz/alcohol.

Recent changes to the law mean that there has to be **documented evidence** that shows a high level of crime or disorder contributed to by **alcohol consumption in that area** before a new permanent alcohol ban can be made.

If you would like to request an alcohol ban for more than one area you will need to complete a separate form for each area.

Once you have completed this form please return it to the attention of the Social Policy and Bylaws unit, Level 21, Albert Street:

- Via email to enquiry@aucklandcouncil.govt.nz
- In person at your nearest [customer service centre](#)
- Via post to Auckland Council, Social Policy and Bylaws Unit, Private Bag 92300, Victoria Street West, Auckland 1142

1. Your details

We may need to contact you for further information so please provide a phone number or email address.

Title: Mr. Mrs. Miss Ms. Dr.

First name: _____ Surname: _____

Organisation (if applicable): _____

Postal address: _____

Email address: _____

Phone number: _____

Declaration: (You must complete this declaration in order for your request to be considered.)

I declare that the following information provided in this form is a true and accurate account of alcohol related crime or disorder that I have experienced.

Signature: _____

Date: _____

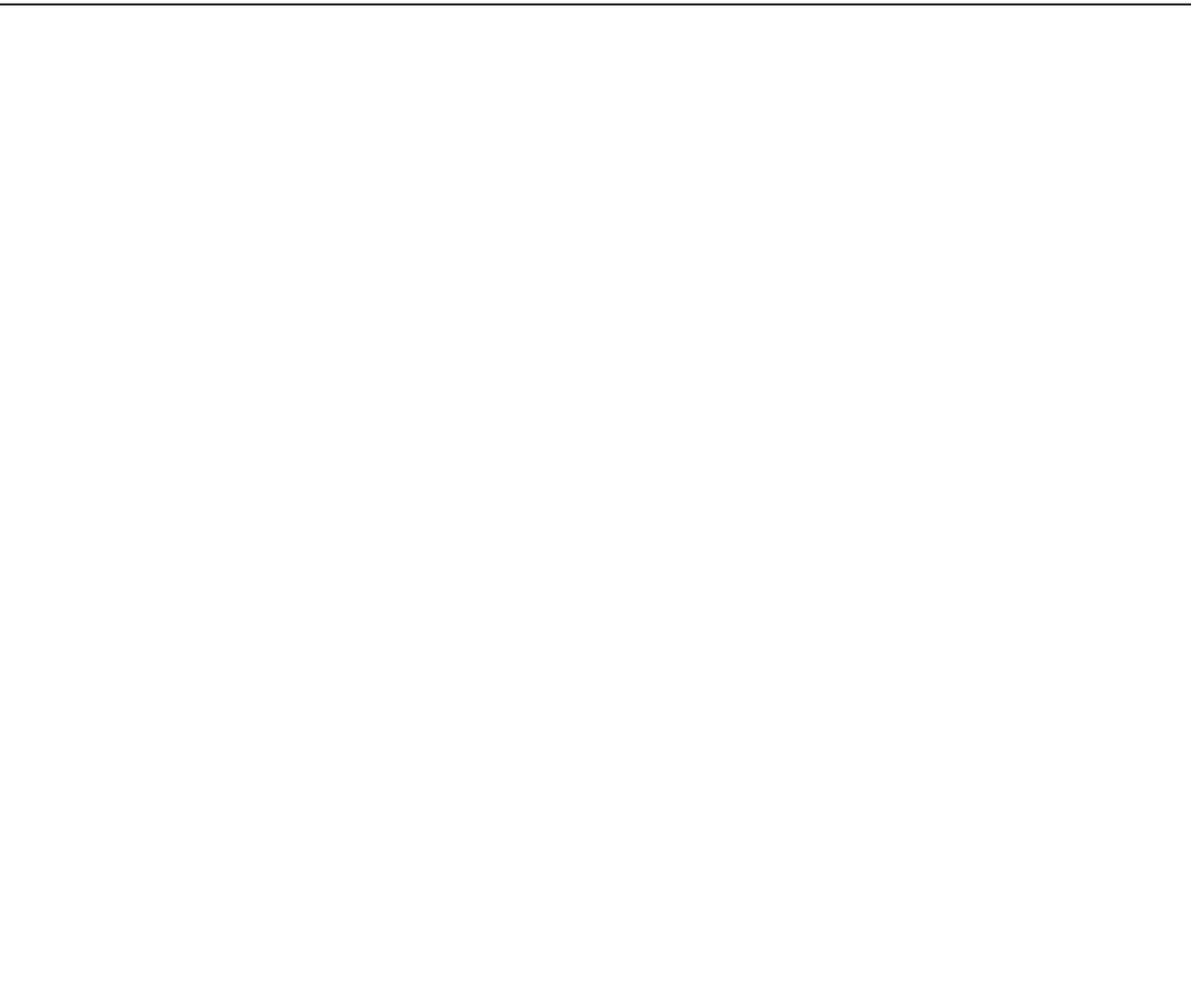
Appendix 1

Section 2: Your evidence

What is the address, suburb, and name (if relevant) of the area where the alcohol related crime or disorder is occurring?

Please provide a full description of the area.

Please draw in the box below (or attach separately) a map of the area where alcohol related crime or disorder is occurring.



Appendix 1



Please record in the table below as many specific instances of alcohol related crime or disorder as you can.

In order for an alcohol ban request to be considered, it must be supported by site specific evidence clearly identifying how alcohol has caused or contributed to the crime and disorder experienced or observed.

Please update this log for one month, recording as many instances as possible of alcohol related crime and disorder in the area. (You may also use this form to record past instances, where you can remember the details). Please try and be as specific as possible. Including photos of broken bottles, alcohol related litter etc. would also be very helpful.

Date	Time incident started	Time incident finished	Please describe, in as much detail as possible, the alcohol related crime and disorder witnessed/ experienced (i.e. drinking and noise/ music, alcohol related litter)	How did drinking alcohol in the location contribute to the crime and/or disorder experienced?	Did you call or notify the police? (Y/N) If yes, please provide details	Recorded by (name)

Appendix 1



Date	Time incident started	Time incident finished	Please describe, in as much detail as possible, the alcohol related crime and disorder witnessed/ experienced (i.e. drinking and noise/ music, alcohol related litter)	How did drinking alcohol in the location contribute to the crime and/or disorder experienced?	Did you call or notify the police? (Y/N) If yes, please provide details	Recorded by (name)

Appendix 1

Date	Time incident started	Time incident finished	Please describe, in as much detail as possible, the alcohol related crime and disorder witnessed/ experienced (i.e. drinking and noise/ music, alcohol related litter)	How did drinking alcohol in the location contribute to the crime and/or disorder experienced?	Did you call or notify the police? (Y/N) If yes, please provide details	Recorded by (name)

Please continue on a separate sheet, if necessary.

Appendix 1

3. General comments

Are there any other measures that could be taken to help prevent the alcohol related crime or disorder you are witnessing/ experiencing?

(e.g. more bins, better lighting, locking gates)

Are you aware of any community based initiatives in your local board area to reduce alcohol related crime or disorder?

(e.g. Maori and Pacific Wardens)

Do you have any further comments to support this request?

Appendix 2: Request received letter/ email

Dear ...

Thank you for submitting an alcohol ban request for

This is confirmation that your request has been received and is being processed.

Recent changes to the Local Government Act mean that Auckland Council is required to ensure that documented evidence has been supplied that can show a high level of site specific alcohol related crime or disorder before a new permanent alcohol ban can be recommended.

The request and supporting evidence that you have submitted will be carefully evaluated and a decision made on whether or not to proceed with a full report to your local board on any proposed alcohol ban for

As part of the process of reviewing your request, we may seek further advice from parks and facilities staff, community empowerment staff, and the police. We will also inform your local board of this request.

Once our assessment has been made, we will communicate to you whether or not an alcohol ban request for will proceed further, to be considered by your local board.

This decision will be communicated to you within 15 working days of the date of this email/ letter.

If you have any further questions please do not hesitate to contact us.

Kind regards

The Alcohol Control Project Team

Appendix 3A: Request declined/ unable to proceed

Dear ...

I write in regard to the alcohol ban request you submitted for in local board.

We have carefully considered your request and the associated evidence for alcohol related crime and disorder that you have submitted.

Recent changes to the Local Government Act mean that Auckland Council is required to ensure there is documented evidence of a high level of site specific alcohol related crime or disorder before a new permanent alcohol ban can be recommended.

At this time there is insufficient evidence to meet the threshold required to proceed further with the alcohol ban request.

This decision has been communicated to your local board services staff.

We have also informed local community empowerment staff who may be able to explore community-focused solutions to the problems you have reported.

Your request will remain in our records. If you decide to submit further supporting evidence of alcohol related crime and disorder for this area, the ban request will be reviewed again. Please continue to log any incidents in the table provided in the alcohol ban request form. You are also encouraged to consult with your local board for help in soliciting evidence from other members of the public in support of any re-submission of this ban request.

Thank you again for taking the time to bring this issue to our attention.

Kind regards

The Alcohol Control Project Team

Appendix 3B: Request will proceed to local board

Dear ...

I write in regard to the alcohol ban request you submitted for in local board.

We have carefully considered your request and the associated evidence provided for alcohol related crime and disorder in this area.

We consider there is sufficient evidence to proceed further with processing this alcohol ban request.

This decision has been communicated to your local board staff.

Council staff will now prepare a report to local board, which will be discussed at the meeting scheduled for at PM. At this meeting the local board will decide whether or not to approve the alcohol ban request.

You are of course welcome to attend the local board meeting on this day. The local board's decision will be communicated to you after the meeting.

Thank you again for taking the time to bring this issue to our attention.

Kind regards

The Alcohol Control Project Team

Appendix 4: Private landowners consent form

Auckland Council has received a request to put in place a permanent alcohol ban in (Please see map attached).

The area under consideration includes the property/ grounds at

Could you please confirm that:

- a) You are the owner/ authorised representative (*delete as appropriate*) of
- b) You consent to an alcohol ban being put in place to cover the area in which this property is located (as shown in the attached map)

Name (please print)

Date//

Signature