

Attachment B

Evidence assessment framework

Under legislation, 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 a ban request should proceed.

There are four sequential phases to the assessment process:

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.

1) Determine that there is strong and robust, site specific evidence of alcohol related crime or disorder

SPB staff will review the log of incidents recorded by the requester in the alcohol ban request form (see attachment C). 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.

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

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

2) Categorise the nature and severity of crime or disorder

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
<p>When a person or groups of people drinking behave in a threatening and/or 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>Where people experience actual physical harm. This could be a member of the drinking 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

3) Frequency of alcohol related crime or disorder

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.

Nature and severity	Frequency				
	One-off	Occasionally (monthly)	Public holidays	Frequently (weekly)	Daily
1. Nuisance					
2. Perceived threat					
3. Actual threat					
4. 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

4) Formulate a proportionate response

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, as stipulated in the bylaw.

SPB will:

- consider whether there are practical community-focused solutions as an alternative to an alcohol ban? For instance, gating, lighting, CCTV, community patrols
- if an alcohol ban is considered to be the most appropriate response, then SPB will:
 - consider the extent of the area requested to be covered by the ban. Are the boundaries of the ban area clear, sensible and enforceable
 - consider extending an existing alcohol ban area
 - consider the times of the alcohol ban
 - consider adjacent ban times.