

## Alcohol ban criteria assessment sheet

<b>Request:</b>	<b>Temporary Alcohol ban for Hibiscus Coast Crate Day</b>		
<b>Location (Area):</b>	All beaches and adjoining parks on the Hibiscus Coast from Waiwera Beach to Arkles Bay		
<b>Duration:</b>	48 hours, Saturday 1 and Sunday 2 December 2018		
<b>Area description:</b>	A number of popular public recreation areas including beach and park areas used for swimming, picnics and barbeques. These areas are used by Hibiscus Coast residents and other Aucklanders who travel there for recreation on the weekend.		
<b>Criteria</b>	<b>Evidence</b>		
1. Is there evidence of <u>crime</u> at the location? <b>OR</b>	<p>Crime includes infringement notice, arrest or conviction records of any offences where a person can be proceeded against<sup>1</sup>, for example:</p> <ul style="list-style-type: none"> <li>• offences against public order (disorder)<sup>2</sup></li> <li>• offences against persons or property<sup>3</sup></li> <li>• loitering and trespass<sup>4</sup></li> <li>• offences resembling nuisance<sup>5</sup></li> <li>• litter<sup>6</sup></li> <li>• excessive noise<sup>7</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>• Crate Day gatherings at Manly Beach in 2015 attracted 300-400 attendees and resulted in police attendance and arrests for alcohol related crime and disorder.</li> <li>• Crate Day gatherings at Stanmore Bay Beach in 2016 resulted in 22 police personnel and eight police vehicles and included 29 arrests for fighting in a public place, disorderly behaviour likely to incite violence, common assault, breach of the peace, offensive behaviour and language. Police witnessed other crimes including a serious assault to a woman struck on the head with a bottle.</li> </ul>	✓
2. Is there evidence of <u>disorder</u> at the location? <b>AND</b>	<p>Disorder means “the breakdown of peaceful and law-abiding public behaviour”<sup>8</sup>, for example:</p> <ul style="list-style-type: none"> <li>• witness accounts of violence, dangerous driving, offensive or threatening behaviour</li> <li>• photos of litter, damage or vandalism.</li> </ul>	<ul style="list-style-type: none"> <li>• Disorder at Crate Day gatherings at Stanmore Bay 2016 included six people treated by ambulance staff for significant lacerations to their feet after stepping on broken beer bottles, and numerous incidents of public urination.</li> </ul>	

<sup>1</sup> [Section 5](#) of the Crimes Act 1961

<sup>2</sup> [Summary Offences Act 1981](#), including disorderly behaviour, offensive behaviour or language, disorderly assembly, and fighting in a public place

<sup>3</sup> [Section 9 of the Summary Offences Act 1981](#)

<sup>4</sup> [Section 28 of the Summary Offences Act 1981](#)

<sup>5</sup> [Section 32 of the Summary Offences Act 1981](#)

<sup>6</sup> [Litter Act 1979](#)

<sup>7</sup> [Resource Management Act 1991](#)

<sup>8</sup>Without a definition in the Local Government Act 2002, Crimes Act 1981, or Interpretation Act 1999 or by case law, disorder means <https://en.oxforddictionaries.com/definition/disorder>

<p>3. Is there evidence that this is caused or made worse by drinking alcohol there</p> <p style="text-align: center;"><b>AND</b></p>	<p>Evidence crime or disorder is associated with alcohol may include:</p> <ul style="list-style-type: none"> <li>• witness accounts that offenders were drinking at the location before or at the time of the disorder</li> <li>• photos of alcohol containers at the location.</li> </ul> <p><b>Discount any incidents not directly linked to alcohol.</b></p>	<ul style="list-style-type: none"> <li>• Police and residents saw the crowd drinking and noted the offenders were intoxicated</li> <li>• Police provided photos of alcohol related litter and broken alcohol bottles.</li> </ul>	✓
<p>4. Is there evidence of a <u>high</u> level of crime or disorder caused or made worse by drinking alcohol there?</p>	<p>Assess using the Crime or Disorder Categories in Appendix 1 and the Evidence Assessment Matrixes in Appendix 2. Evidence falling in the orange or red areas are considered high or very high level.</p>	<p>The request is in the very high levels of harm area of the evidence assessment matrix. There were <b>at least</b>:</p> <ul style="list-style-type: none"> <li>• 10 incidents of physical harm</li> <li>• 10-15 actual threats</li> <li>• 20 incidents of nuisance.</li> </ul>	✓
<p><b>Is there evidence of a high level of crime or disorder at the location caused or made worse by alcohol consumed there?</b></p>		<p>Police provided evidence of a very high level of crime or disorder, which is shown to have been linked to alcohol consumption at Manly Beach and Stanmore Bay on Crate Day. Examples include litter, public urination, disorderly behaviour, fighting and glass injuries.</p>	✓

Criteria	Appropriateness		
<p>5. Are incidents of a type that would likely be prevented by an alcohol ban?</p> <p><b>AND</b></p>	<p>This could include the types of incidents, for example:</p> <ul style="list-style-type: none"> <li>• sex in cars, drug use or dealing is likely to continue without alcohol</li> <li>• alcohol related litter, public urination, excessive noise and perceived threats are more likely to be prevented.</li> </ul> <p>or the reasons why the location is used, for example:</p> <ul style="list-style-type: none"> <li>• incidents relating to parties at a private residence next to the location are likely to continue</li> <li>• incidents relating to groups arriving specifically to drink in that location are more likely to be prevented</li> <li>• incidents relating to homeless or rough sleepers may result in displacement to more isolated locations and further harm.</li> </ul>	<ul style="list-style-type: none"> <li>• A temporary alcohol ban in 2017 for similar areas in this request was effective. Police reported that no alcohol-related crime and disorder associated with Crate Day occurred. Reasons likely include that: <ul style="list-style-type: none"> <li>○ the incidents detailed by Police at previous 'Crate Day' gatherings are of a type that can be more successfully prevented by an alcohol ban. For example, alcohol litter, public urination, fighting and disorderly behaviour.</li> <li>○ because the premise for Crate Day gatherings is heavy drinking, an alcohol ban is likely to be successful in preventing the gathering.</li> </ul> </li> </ul>	✓
<p>6. Will enforcement of the alcohol ban likely prevent the crime or disorder?</p> <p><b>AND</b></p>	<p>This includes consideration of the nature of the offenders and any indication of likely police enforcement, for example:</p> <ul style="list-style-type: none"> <li>• signage and publicity can have a preventative effect for otherwise law-abiding members of the public</li> <li>• alcohol bans are less effective if police are only able to respond to incidents of crime and disorder after they occur. They already have powers to address those incidents</li> <li>• alcohol bans may be effective where police indicate they will patrol the location for a period after the alcohol ban is adopted to change behaviours</li> </ul>	<ul style="list-style-type: none"> <li>• A temporary alcohol ban in 2017 for similar areas in this request was effective. Police reported that no alcohol-related crime and disorder associated with Crate Day occurred. Reasons likely include that: <ul style="list-style-type: none"> <li>○ notifying the alcohol ban prevented promoters from organising a large Crate Day gathering in public space on the Hibiscus Coast.</li> <li>○ Police planned to proactively patrol and enforce the ban if they saw groups gathering.</li> </ul> </li> <li>• It is noted that the 2017 alcohol ban was effective despite not all the areas having signage. Only 13 areas most likely to attract gatherings had signage. These areas were located in Orewa, Red Beach, Stanmore Bay, Manly, Arkles Bay, Western Reserve, and Victor Eaves Park.</li> </ul>	✓

	<ul style="list-style-type: none"> <li>alcohol bans are most effective where police patrol the location on an on-going basis.</li> </ul>	<ul style="list-style-type: none"> <li>The absence of signage means police powers of enforcement are reduced. The Police would need to give people an opportunity to leave the area with their alcohol.</li> </ul>	
7. Is the cost of signage justified by the likely effect? <b>AND</b>	<p>Consider:</p> <ul style="list-style-type: none"> <li>what the cost of signage will be</li> <li>how this compares with the likely effect of the alcohol ban</li> </ul>	<ul style="list-style-type: none"> <li>In 2017 the cost to install and remove 74 temporary alcohol ban signs in 13 areas was \$4330 plus GST.</li> <li>This is proportionate to the cost of cleaning up after previous Crate Day events held when there was no temporary alcohol ban in place.<sup>9</sup></li> <li>If all areas from Waiwera to Arkles Bay had signage installed however, the cost is estimated to be \$10,000 plus GST. The Local Board may consider this cost to be disproportionate to the effect of the alcohol ban.</li> </ul>	—
8. Is an alcohol ban a better option than any alternative solution?	<p>Consider:</p> <ul style="list-style-type: none"> <li>what has been tried prior to the request and was it effective (unlikely given a request has been made)?</li> <li>does the request make any suggestions, how would it be implemented, and would it be more effective?</li> <li>could a CPTED assessment by Community Facilities provide suggestions?</li> </ul> <p><b>If an alternative may be better than an alcohol ban, consider an option to investigate alternatives before making a decision on the request.</b></p> <p><b>If an alternative may be complimentary to an alcohol ban, consider an option to investigate alternatives in addition to adopting an alcohol ban.</b></p>	<ul style="list-style-type: none"> <li>Alternative options were unsuccessfully tried in 2016: <ul style="list-style-type: none"> <li>Police attempted to deter radio and social media promoters of the event, highlighting the problems caused</li> <li>Police hoped a gathering might be managed better at Stanmore Bay, close to toilets and further away from residents.</li> </ul> </li> <li>Other options considered in 2017 included: <ul style="list-style-type: none"> <li>regulating Crate Day under the Auckland Council Trading and Events in Public Places Bylaw 2015. This option however does not provide for Police to prevent informal gatherings.</li> <li>Police using Summary Offences Act 1981 powers to respond to incidents. This option however does not prevent harmful incidents.</li> </ul> </li> </ul>	✓

<sup>9</sup> <https://www.stuff.co.nz/auckland/local-news/rodney-times/99542998/liquor-ban-keeps-crate-day-quiet-on-the-hibiscus-coast>

<p><b>Is the request appropriate in light of the evidence?</b></p>	<p>A temporary alcohol ban in 2017 was effective in preventing any incidents occurring. Previous alternative and complimentary options are ineffective. For instance, public awareness or relying on Police powers under the Summary Offences Act 1981.</p> <p>However, the Local Board may consider the estimated \$10,000 cost to install and remove signage from all areas in the request disproportionate to the effect of the alcohol ban. In 2017, the Local Board provided \$4,330 for only 13 priority areas but this means Police have less enforcement powers.</p>	<p>—</p>
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Criteria	Proportion	
<p>9. Is the <b>area</b> requested proportionate in light of the evidence?</p>	<p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• whether boundaries are clearly defined</li> <li>• the likelihood of displacement to other locations</li> <li>• how long a ban should be in place (for example recurring temporary alcohol bans).</li> </ul> <p><b>If the area is considered disproportionate, consider an option that is proportionate.</b></p>	<ul style="list-style-type: none"> <li>• Police have provided evidence that Crate Day gatherings can displace to other public spaces easily. Gatherings moved from Manly Beach (2015) to Stanmore Bay (2016) through social media promotion. The same problems occurred at the new location.</li> <li>• The request aims to prevent problems being displaced to other locations on the Hibiscus Coast.</li> <li>• In Police’s view a temporary alcohol ban at just some locations could displace gatherings to any other public places on the Hibiscus Coast including Waiwera. Police added Waiwera this year based on police intelligence from last year.</li> <li>• If this request is adopted, and any displacement occurred Police say it is likely this would be to private residences. This is considered safer because gatherings are smaller and food, water, shade, toilets and places to sleep are available.</li> <li>• The Local Board may consider the number of areas in the request is excessive given; <ul style="list-style-type: none"> <li>○ gatherings have previously been isolated to the larger and more popular areas on the Whangaparaoa Peninsula</li> <li>○ not all areas in 2017 had signage.</li> </ul> </li> </ul>

		Limiting the temporary alcohol ban to the more popular areas in Orewa and the Whangaparaoa Peninsula could be considered more proportionate.	
10. Is the <b>duration</b> requested proportionate in light of the evidence?	<p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>the times when drinking started (this will be earlier than when the problems occurred)</li> <li>the standard time-frames for an alcohol ban for regional consistency (refer clause 7(2)(i) of the Bylaw)</li> <li>for temporary alcohol bans for events, any set-up and pack-down periods, and whether they should be recurring or one off</li> </ul> <p><b>If the duration is considered disproportionate, consider an option that is proportionate consider the Alcohol Control Bylaw 2014 standard timeframes.</b></p>	<ul style="list-style-type: none"> <li>The duration of the ban is limited, relating to a specific date which has been associated very high levels of alcohol-related harm.</li> <li>The start and finish time of the ban prevents problems being displaced to Sunday.</li> <li>Crate Day gatherings did not take place in public spaces on the Hibiscus Coast last year. Police say however, it will take several years to break the habit.</li> </ul>	✓
<b>Is the request proportionate in light of the evidence?</b>		<p>A temporary alcohol ban at Stanmore Bay, Manly and similar locations on the Hibiscus Coast is proportionate due to the level of crime or disorder associated with Crate Day, ease of displacement and limited duration.</p> <p>Someone opposed to the request may argue the number of areas is excessive, and that limiting the temporary alcohol ban to the more popular areas in Orewa and the Whangaparaoa Peninsula would be more proportionate.</p>	—

Criteria	Justified		
<p>Is there sufficient information to make a decision having regard to the significance of the decision?</p>	<p>Consider:</p> <ul style="list-style-type: none"> <li>whether council has enough information on community views – i.e. what are the views of Police, Māori, owners/occupiers of the area be affected, other users of the area (e.g. New Zealand motor caravan association)</li> <li>whether council has sufficient information on alternatives</li> </ul>	<ul style="list-style-type: none"> <li>Police support the request and have highlighted community support with a letter from a resident (Attachment A of the agenda report) who was impacted by the Manly Beach gathering in 2015.</li> <li>Iwi and Māori Health Advocacy organisations have previously expressed general support for the use of alcohol bans to reduce alcohol-related harm to the community and the environment.</li> <li>Media coverage about the effect of the 2017 alcohol ban was positive.<sup>10</sup></li> </ul>	✓
<p>Will the benefits of the alcohol ban outweigh the loss of freedom to those who use the space</p>	<p>Will the benefits of the alcohol ban outweigh the loss of freedom to those who use the space? For example:</p> <ul style="list-style-type: none"> <li>A request for a street or carpark is more easily justified than a reserve by the beach - intended for recreation such as gatherings and picnics where people may choose to drink alcohol.</li> <li>A request with evidence of very high levels of crime or disorder is more easily justified.</li> <li>An alcohol ban that is likely to be effective at reducing harm is more easily justified.</li> <li>A request that is supported by Police, Māori, and owners/occupiers of the area is more easily justified.</li> </ul>	<p>The request prevents responsible alcohol consumption on a significant number of popular recreation areas on the Hibiscus Coast. These limitations are justified, given:</p> <ul style="list-style-type: none"> <li>the very high level of crime and disorder a temporary alcohol ban is likely to prevent</li> <li>its limited duration</li> <li>general community and Police support.</li> </ul> <p>It is arguable however that the extent of the temporary alcohol ban is excessive (refer to criterion 9) and too costly to implement (refer to criterion 7), and that limiting any temporary alcohol ban to the more popular areas in Orewa and the Whangaparaoa Peninsula would be more justifiable and reasonable.</p>	-

<sup>10</sup> <https://www.stuff.co.nz/auckland/local-news/rodney-times/99542998/liquor-ban-keeps-crate-day-quiet-on-the-hibiscus-coastly>

<p><b>Is the request a justifiable and reasonable limitation on people's rights and freedoms?</b></p>	<p>The request prevents responsible alcohol consumption on a significant number of popular recreation areas on the Hibiscus Coast. There is sufficient information to conclude that the limitation of rights or freedoms are justified, given:</p> <ul style="list-style-type: none"><li>• the very high level of crime and disorder a temporary alcohol ban is likely to prevent</li><li>• its limited duration</li><li>• general community and Police support.</li></ul> <p>It is arguable however that the extent of the temporary alcohol ban is excessive and too costly to implement.</p>	<p>-</p>
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## Appendix 1 Crime or disorder categories

Nuisance	Perceived threat
<p>May include:</p> <ul style="list-style-type: none"> <li>• alcohol related litter</li> <li>• broken alcohol bottles</li> <li>• excessive noise related to the consumption of alcohol in the area</li> <li>• disorder (including property damage, public urination) resulting from drinking alcohol in the area</li> </ul>	<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"> <li>• verbal threats of physical violence (directed towards other people in the group who are drinking)</li> <li>• offensive and/or aggressive behaviour (directed towards other people in the group who are drinking)</li> <li>• intimidation (directed towards other people in the group who are drinking)</li> <li>• abusive language (directed towards other people in the group who are drinking)</li> <li>• threatening actions (directed towards other people in the group who are drinking)</li> </ul>
Actual threat	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"> <li>• verbal threats of physical violence (directed towards members of the public outside of the drinking group)</li> <li>• offensive and/or aggressive behaviour (directed towards members of the public outside of the drinking group)</li> <li>• intimidation (directed towards members of the public outside of the drinking group)</li> <li>• abusive language (directed towards members of the public outside of the drinking group)</li> <li>• threatening actions (directed towards members of the public outside of the drinking group)</li> </ul>	<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"> <li>• fighting, street brawls</li> <li>• personal injury</li> <li>• assault</li> </ul> <p>Extreme examples include:</p> <ul style="list-style-type: none"> <li>• Sexual violence</li> <li>• Assault with a deadly weapon</li> <li>• Murder, manslaughter, attempted murder</li> </ul>

**Appendix 2 Evidence Assessment Matrixes**

<b>Permanent Alcohol Bans Matrix</b>					
	<b>Frequency</b>				
<b>Category</b>	<b>One-off</b>	<b>Occasionally (monthly)</b>	<b>Public holidays</b>	<b>Frequently (weekly)</b>	<b>Daily</b>
<b>Nuisance</b>					
<b>Perceived threat</b>					
<b>Actual threat</b>					
<b>Physical harm</b>					

<b>Temporary Alcohol Bans Matrix</b>					
	<b>Frequency</b>				
<b>Category</b>	<b>0-5 incidents</b>	<b>5-10 Incidents</b>	<b>10-15 Incidents</b>	<b>10-25 incidents</b>	<b>25+ incidents</b>
<b>Nuisance</b>					
<b>Perceived threat</b>					
<b>Actual threat</b>					
<b>Physical harm</b>					