

**Assessment of alcohol ban request**

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| <b>Request:</b>  | <b>Recurring Temporary Alcohol ban for Western Springs stadium</b>   |  |   |
| <b>Location (Area):</b>  | Western Springs Stadium, adjoining parks and streets.  |  |   |
| <b>Duration:</b>   | 7am on the day of to 7am on the day after any concert from the date first made to 12 July 2020 (two years).  |  |   |
| <b>Area description:</b>   | Western Springs Stadium, Western Springs Lakeside Park, Western Springs outer sports fields, and surrounding streets where people walk to and from the stadium often from public transport. Many of the streets surrounding the event are residential, with some shops, restaurants and cafes. Alcohol allowed in event venue where covered by a Sale and Supply of Alcohol Act 2012 Special Licence.  |  |   |
| <b>Criteria</b>  | <b>Evidence</b>  |  |   |
| 1. Is there evidence of <u>crime</u> at the location?<br><br><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>• Difficult to obtain evidence about alcohol-related harm from events at Western Springs as either no concerts have taken place without a temporary alcohol ban or incidents have not been recorded.</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](#)

|  |   |   |                                      |
|--|---|---|--------------------------------------|
| <p>2. Is there evidence of <u>disorder</u> at the location?<br/><b>AND</b></p>   | <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>At the 2017 Guns and Roses concert at Western Springs Stadium Police recorded seven incidents of disorder on the parks and streets surrounding the concert<sup>9</sup> including: <ul style="list-style-type: none"> <li>one incident of fighting</li> <li>six of public urination on driveways, streets and parks.</li> </ul> </li> <li>The number of incidents at the 2017 Guns and Roses concert would have been higher if Police were not able to enforce the alcohol ban adopted for the event (refer to appropriateness for more discussion).</li> </ul> | <p style="text-align: center;">—</p> |
| <p>3. Is there evidence that this is caused or made worse by drinking alcohol there<br/><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>The evidence of disorder at the 2017 Guns and Roses concert was observed by Auckland Council staff and Police as being caused by people drinking alcohol in the alcohol ban area (refer to appropriateness for more discussion).</li> </ul>  | <p style="text-align: center;">✓</p> |
| <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>  | <ul style="list-style-type: none"> <li>The 2017 Guns and Roses concert provides reasonable evidence that in the absence of a temporary alcohol ban the level of disorder can be in the high to very high levels of harm in the evidence assessment matrix.</li> <li>Someone opposed to the request may however argue that assuming the level of harm would be high in the absence of an alcohol ban is unreasonable, and that there is insufficient evidence.</li> </ul>  | <p style="text-align: center;">—</p> |
| <p><b>Is there evidence of a high level of crime or disorder at the location caused or made worse by alcohol consumed at the location?</b></p> |   | <p>Evidence shows that in the absence of a temporary alcohol ban the level of disorder in areas surrounding concerts at Western Springs Stadium can be high. Someone opposed to the request may however argue that assuming the level of harm would be high in the absence of an alcohol ban is unreasonable, and that there is insufficient evidence.</p>  | <p style="text-align: center;">—</p> |

<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>

<sup>9</sup> Social Policy and Bylaws Monitoring report: Western Springs Stadium temporary alcohol ban for the Guns N' Roses concert (4 February 2017).

| Criteria   | Appropriateness   |   |   |
|--|---|---|---|
| <p>5. Are incidents of a type that would likely be prevented by an alcohol ban?<br/><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>• Incidents associated with concerts are of a type that are likely to be prevented by an alcohol ban including fighting and public urination.</li> <li>• Incidents associated with concerts relate to large numbers of people travelling through the area to drink before or after a large-scale event.</li> </ul>   | ✓ |
| <p>6. Will enforcement of the alcohol ban likely prevent the crime or disorder?<br/><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> <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>• Notifying an alcohol ban is likely to have a preventative effect on many people bringing alcohol into the area.</li> <li>• Police allocate resource to manage large-scale events and plan to enforce the ban by seizing alcohol when they see breaches.</li> <li>• A review of the 2017 Guns and Roses concert found that while a significant number of concert-goers ignored the alcohol ban, Police enforcement ensured the number of incidents was minimised.<sup>10</sup></li> </ul> | ✓ |

<sup>10</sup> Social Policy and Bylaws Monitoring report: Western Springs Stadium temporary alcohol ban for the Guns N' Roses concert (4 February 2017).

|  |  |   |          |
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| <p>7. Is the cost of implementation justified by the likely effect?<br/><b>AND</b></p> | <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>• Auckland Tourism and Economic Events Development will be responsible for signage which is internalised as part of the cost of running an event.</li> <li>• The cost of processing a request for a two-year concert alcohol ban is also more efficient in terms of council staff, elected member and Police resource given the evidence for each individual request will most likely be the same.</li> </ul>  | <p>✓</p> |
| <p>8. Is an alcohol ban a better option than any alternative solution?</p>             | <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>• Other options considered in 2017 included: <ul style="list-style-type: none"> <li>○ relying on the existing 24/7 alcohol ban at Grey Lynn town centre and night time ban on Western Springs Lakeside. This option however will not have a preventative effect on people who may choose to drink alcohol on their way to or from the event via other surrounding streets.</li> <li>○ Police use of Summary Offences Act 1981 powers to respond to incidents. This option however does not prevent harmful incidents.</li> </ul> </li> </ul> | <p>✓</p> |
| <p><b>Is the requested appropriate in light of the evidence?</b></p>                   |  | <p>Incidents associated with concerts are of a type that are likely to be prevented by an alcohol ban. Police enforcement is also likely to be effective. The cost of signage is proportionate to its effect, and the cost of processing requests for individual concerts is reduced with this request for all concerts for the next two years.</p>   | <p>✓</p> |

| Criteria   |  | Proportionate  |   |
|--|--|--|---|
| 9. Is the <b>area</b> requested proportionate in light of the evidence?      | <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>• The request covers areas where people drink on their way to and from concerts at Western Springs.</li> </ul>  | ✓ |
| 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>• Standard time-frames are not appropriate for temporary alcohol bans.</li> <li>• The requested timing of the ban is short and limited to times where people are most likely to be travelling to or from concerts there.</li> </ul> | ✓ |
| <b>Is the request proportionate in light of the evidence?</b>                |  | The requested area and duration are limited to areas and times where people are likely to be drinking and disorder would occur.  | ✓ |

| 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.</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>Council has not received complaints about the temporary alcohol bans in place for previous concerts.</li> </ul>  | <p>✓</p> |
| <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> | <ul style="list-style-type: none"> <li>The request prevents responsible alcohol consumption in areas surrounding Western Springs Stadium before and after concerts, including at Western Springs Park. These limitations are justified, given: <ul style="list-style-type: none"> <li>the high level of disorder associated with concerts that a temporary alcohol ban is likely to prevent</li> <li>its limited area and duration</li> <li>general community and Police support</li> <li>ability for event organisers to obtain special licences to sell alcohol at the event.</li> </ul> </li> </ul>   | <p>✓</p> |
| <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 in areas surrounding Western Springs Stadium before and after concerts, including at Western Springs Park. 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 high level of disorder associated with concerts that a temporary alcohol ban is likely to prevent</li> <li>its limited area and duration</li> <li>general community and Police support</li> <li>ability for event organisers to obtain special licences to sell alcohol at the event.</li> </ul> <p>Someone opposed to the request may however argue that assuming the level of harm would be high in the absence of an alcohol ban is unreasonable, and that there is insufficient evidenced.</p> | <p>-</p> |

## 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>                      | Green            | Green                         | Yellow                 | Yellow                     | Red          |
| <b>Perceived threat</b>              | Green            | Yellow                        | Yellow                 | Yellow                     | Red          |
| <b>Actual threat</b>                 | Green            | Yellow                        | Red                    | Red                        | Red          |
| <b>Physical harm</b>                 | Yellow           | Red                           | Red                    | Red                        | Red          |

| <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>                      | Green                | Green                 | Yellow                 | Yellow                 | Red                  |
| <b>Perceived threat</b>              | Green                | Yellow                | Yellow                 | Yellow                 | Red                  |
| <b>Actual threat</b>                 | Green                | Yellow                | Red                    | Red                    | Red                  |
| <b>Physical harm</b>                 | Yellow               | Red                   | Red                    | Red                    | Red                  |