

Memo

20 December 2017

To: Janette McKain, Democracy Advisor
cc: Rina Tagore, Senior Local Board Advisor Māngere-Ōtāhuhu Local Board
Paul Wilson, Team Leader Social Policy & Bylaws
From: Bonnie Apps, Policy Analyst, Social Policy & Bylaws

Subject: Process to extend the alcohol ban at Māngere Bridge

The Māngere-Ōtāhuhu Local Board requested advice about extending the alcohol ban area at Māngere Bridge (resolution MO/2017/231 refers). This memo outlines the process for their information.

The process to extend an alcohol ban is the same as creating a new alcohol ban. There are four stages (set out below and summarised in the diagram in **Attachment A**).

Background

National legislation requires councils to show a 'high level' of crime or disorder, directly linked to the consumption of alcohol in a specific area, before an alcohol ban can be adopted.¹

Local boards are the decision makers, and have the power to decide whether or not an alcohol ban should be adopted. Decisions are based upon consideration of the available evidence, the views of the community, and advice from council staff.

1) Making a request

- requests are made using the alcohol ban request form in **Attachment C**
- requests come from members of the public, community group representatives, or police
- local boards can encourage and help members of the public to document evidence of alcohol related crime or disorder in an area, so that they can submit evidence based requests
- local boards cannot submit alcohol ban requests to avoid perceptions of a conflict of interest with their decision-making role
- in this case the requestor will need to provide evidence of alcohol-related crime or disorder specific to the locations they wish the alcohol ban to be extended over
- a map of the area which the current Māngere Bridge ban covers can be found on the Auckland Council website or by clicking here: [Link to Auckland Council alcohol ban maps webpage.](#)

¹ Clause 147A Local Government Act 2002

2) Assessing the request

Social Policy and Bylaws staff will make an assessment of the evidence submitted using the assessment framework in **Attachment B**.

If there is insufficient evidence to proceed with the request:

- the relevant local board adviser will be informed², and the requester will then be notified five days after this
- the local board may choose to support the requester to collect more information to resubmit the ban request
- the local board could also work with staff in community empowerment to explore community focused solutions to the problem identified.

If there is sufficient evidence that meets the required legislative threshold, the request will be processed by Social Policy and Bylaws staff who will also:

- seek the views of police and other council stakeholders
- produce a detailed map of the proposed alcohol ban area.

3) Local board consideration of the alcohol ban request

Social Policy and Bylaws staff will produce a report for local board consideration and decision-making at a local board business meeting.

4) Implementation

If the local board adopts the alcohol ban, Social Policy and Bylaws staff will inform the requestor, affected council stakeholders and the police, and will liaise with community facilities to arrange signage.

The local board will be responsible for issuing a press release.

If the local board declines the ban request, Social Policy and Bylaws staff will notify the requestor and the process will be closed.

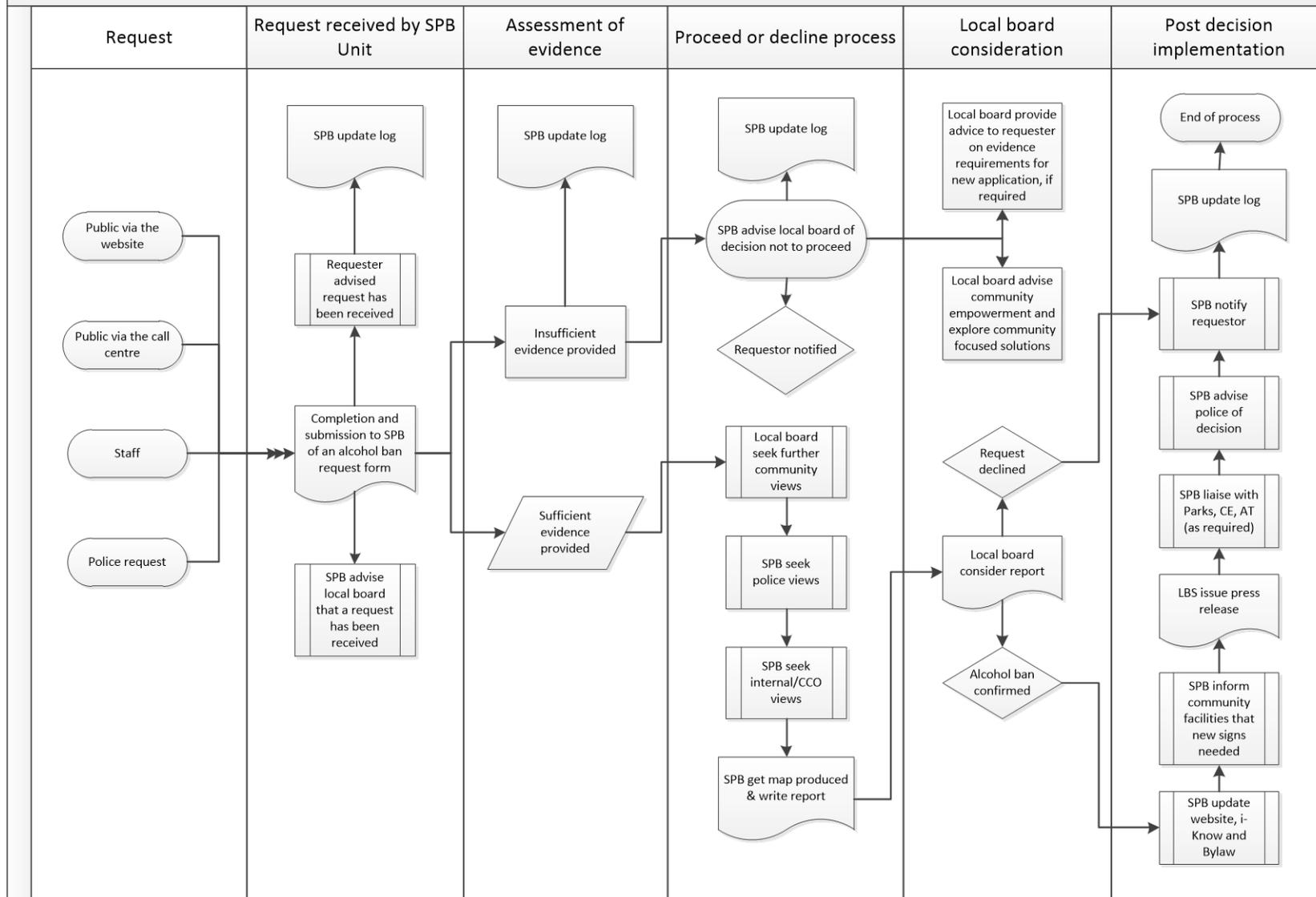
If you have any questions, please contact me on 021 904 372 or by emailing me bonnie.apps@aucklandcouncil.govt.nz.

Yours faithfully

Bonnie Apps
Policy Analyst, Social Policy and Bylaws
Community and Social Policy
Auckland Council Chief Planning Office

² The local board can request staff to proceed to stage 3 and make a report despite this advice, but it is likely the staff recommendation will be to reject the request.

Attachment A: Policy process for new permanent alcohol ban requests



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.

Attachment C

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.³

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: _____

³ Please note submitters will always have the option to redact personal identifiers before any content is presented in the public domain.

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.

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)

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?