
ORIENTAL BAY – MONITORING AND PROPOSED LIQUOR BAN

1. Purpose of Report

The purpose of this report is to:

- Provide information on the monitoring of incidents at Oriental Bay and Mt Victoria
- Describe initiatives to address complaints and concerns at Oriental Bay
- Seek agreement that a special event liquor ban be put in place at Oriental Bay for Easter 2007.

2. Executive Summary

There has been an escalation in anti-social behaviour in the Oriental Bay area. In February 2007, the Council received 118 complaints about vandalism, noise, motor cars and partying. In the previous six months there have been between 51 and 85 complaints each month. The Police also report escalation of disorder in that area. A range of initiatives have been put in place to combat the problems.

A component of the plan to manage the area includes the use of a liquor ban which will complement the other initiatives. If Council agrees, Councillors will be asked to consider extending the Liquor Control Bylaw to include the Oriental Bay area. The process to do so means that such an extension could not take effect until August 2007. It is proposed in the meantime to invoke a special events liquor ban for Easter weekend on Oriental Bay from 5pm on each of Thursday 5 April, Friday 6 April and Saturday 7 April 2007 until 8am the following day. Although Easter, in the past, has not been characterised by increased levels of disorder, given the trend of escalation it is anticipated that in this instance a liquor ban is appropriate as an early intervention tool to manage the downstream effects of liquor related behaviour.

3. Recommendations

It is recommended that Council:

1. *Receive the information.*
2. *Note there has been a sharp increase in complaints and concerns about anti-social activity in Oriental Bay since February 2007.*

3. *Note a range of initiatives have been put in place to respond to the issues occurring at Oriental Bay.*
4. *Agree that officers report to Strategy and Policy Committee with a statement of proposal to amend the Liquor Control Bylaw so that a permanent liquor ban is in place at Oriental Bay on Thursday, Friday and Saturday nights consistent with that in place for the Central Area.*
5. *Agree to resolve to invoke a special event liquor control ban under clause 23.2.2 for all of Oriental Parade to and including Point Jerningham down to and including the beach area from 5pm on each of Thursday 5 April, Friday 6 April and Saturday 7 April 2007 until 8am the following day.*

4. Background

As part of its deliberations on amending the Liquor Control Bylaw, the Strategy and Policy Committee agreed at its meeting in May 2006 that officers would monitor incidents and complaints at Oriental Bay and Mount Victoria and report back on that monitoring. The monitoring regime has taken into account complaints to the Council, Police activity and Walkwise notings of activity in the area and data has been collected since June 2006. In relation to Mount Victoria there have been 37 complaints received since July 2006. A major upgrade is planned for Mount Victoria and at this stage it is anticipated that no further intervention is required and this report does not address Mount Victoria further.

The number of complaints received by the Council for Oriental Bay was reasonably static between June 2006 and January 2007 but there was a significant increase in February 2007. Between 51 and 85 complaints were received by the Council each month July to January and in February 118 complaints were received.

The complaints are concerned with music and car motor noise, driver behaviour, vandalism, anti social behaviour, violence and breaking bottles through to the early hours of the morning at Oriental Bay with most complaints being received on Friday and Saturday nights. The level of disorder and disruption has been escalating with anti-social activity based at the triangular "green" between Oriental Parade and Oriental Terrace adjacent to the toilets and the wishing well.

Because the problems are broad ranging across disorder, traffic, litter and vandalism the responses must also be comprehensive and cohesive.

A multi faceted response has been put in place at Oriental Bay with Council officers working closely with the Police and residents. Initiatives have included the installation of CCTV, increased presence of Walkwise and cleaning staff in the area, traffic calming initiatives, increased cleaning and immediate responses to noise complaints (rather than having a 15 minute stand down before

responding). The Police have increased their presence in the area and perceive the area as a priority in managing crime and safety in the city.

5. Discussion

5.1 *Liquor ban proposals*

It is proposed to complement the range of initiatives that address the issues at Oriental Bay by placing a liquor ban on Oriental Bay. An extension to the liquor ban should not be seen in isolation and will not on its own solve the problems, but rather is one more mechanism to ensure an appropriate and timely response to problems as they occur at Oriental Bay.

It can be noted that the option of including Oriental Bay beach under the provisions of the general ban was considered by Councillors as part of the amendments to the Liquor Control Bylaw in May 2006. Councillors decided that the liquor ban on Thursday, Friday and Saturday nights would not apply to Oriental Bay, but special bans may be applied to that area as appropriate.

The situation at Oriental Bay has escalated. Though the Police in 2006 did not consider a ban to be necessary in the area, Police now consider a ban would offer significant assistance in managing and responding to disorder and concerns in the area.

The Police are intervening if offending occurs. However regardless of whether offending has occurred Oriental Bay residents and visitors feel unsafe and intimidated. Broken glass, other litter and groups that congregate to drink contribute to a growing sense of unease in the area. A liquor ban gives the Police a proactive early intervention tool to support responses in the area and to mitigate the downstream effects of liquor related behaviour.

To place a liquor ban on the area on a continuous or permanent basis requires an amendment to the Liquor Control Bylaw. The Local Government Act specifies that the special consultative procedure must be used prior to any amendment being adopted. With Council's agreement, officers will prepare a Statement of Proposal to extend the Liquor Control Bylaw to include Oriental Bay. The Council could then agree to initiate the special consultative procedure. It is anticipated that the earliest an amendment could be adopted following the completion of this process is August 2007.

5.2 *Special Events Ban*

It is also proposed that Council resolve to place a special events liquor ban at Oriental Bay for Thursday, Friday and Saturday nights of Easter weekend, (April 5, 6 and 7 2007) between 5pm on each of those nights until 8am the following morning. The timing is consistent with the ban in place in the Central Area. Police advise that for enforcement purposes and general understanding by the public the ban should be consistent with that in the Central Area.

The Liquor Control Bylaw provides for additional bans for specific 'special events':

In addition to the prohibition in Clause 23.2.1 above, the Council by resolution may order a prohibition on the consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places for specified special events. The prohibition must be notified in the appropriate Wellington Metropolitan newspaper at least 14 days in advance of a special event.

The reports and Statement of Proposal prepared as part of the process to adopt the Liquor Control Bylaw envisaged that special events would “address issues associated with public place drinking during major events like festivals and Guy Fawkes, which give rise to increased incidents of disorder and offending” (Statement of Proposal February 2006).

It is clear from clause 23.2.2 of the Bylaws that Council must specify the time, the relevant public place and the special event to which the ban relates. It is implied that a special events ban must relate to a specific event.

To determine whether Easter is a 'specified special event' Councillors can consider the argument that an “event” does not pertain to a holiday period but rather to specific festivities or activities (this argument has been advanced in a previous District Court case, however no ruling was given by the Court on that issue). However there is also a reasonable argument that a holiday period celebrated or marked by the general population is a special event. The proposal for a special events ban for Easter is premised on the latter position.

The imposition of a special event ban requires a Council resolution and it is subject to the Council being satisfied that the special event ban is appropriate and justified in the area before passing a resolution. Generally this will require details of the Police position, any evidence of previous problems in that area and details of any consultation or information received.

The Police support a liquor ban being in place in Oriental Bay and are committed to enforcing it. Police consider liquor bans to be a useful early intervention tool that prevents consumption of alcohol in public places with a view to preventing or reducing the downstream effects of alcohol consumption. It is appropriate to pre-empt situations arising before offending occurs particularly at times where there is a higher risk of disorder. Although in the past Easter weekend has not been a period marked by disorder and liquor consumption the current trend for escalating problems in the area means that it is anticipated that those issues are likely to arise on the holiday weekend. Oriental Bay residents and the Police have been consulted on the proposed special event ban and support the proposal.

If Council resolves to impose a liquor ban in Oriental Bay for Easter weekend the ban will be advertised on 23 March giving 14 days notice of the ban as required by the Liquor Control Bylaw.

6. Conclusion

This paper reports on issues at Oriental Bay, responses to those issues and also proposed that Council resolve to place a special events liquor ban at Oriental Bay for Thursday, Friday and Saturday nights of Easter weekend, (April 5, 6 and 7 2007) between 5pm on each of those nights until 8am the following morning.

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Supporting Information

1) Strategic Fit / Strategic Outcome

This paper is consistent with Council's overall vision of Creative Wellington – Innovation Capital and contributes to Outcome 9 Safer

2) LTCCP/Annual Plan reference and long term financial impact

There are no financial implications. It is expected that costs associated with signage and publicity will be met from the operating budget.

3) Treaty of Waitangi considerations

Not applicable.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Oriental Bay residents and the Police have been consulted

b) Consultation with Maori

Not applicable.

6) Legal Implications

The legal implications of the proposal are discussed in the report. The proposal incorporates advice received from the Council's legal advisors.

7) Consistency with existing policy

The report is consistent with existing policy.