

Title: Temporary Alcohol Ban for Rhythm & Vines Festival – December 2018 and East Coast Vibes Concert January 2019

Section: Environmental Services & Protection

Prepared by: Sarwan Kumar (Regulatory Services Manager), Judith Robertson (Team Leader Healthy Living)

Meeting Date: 25 October 2018

Legal Financial Significance = low

Report to COUNCIL for decision

SUMMARY

The purpose of this report is to seek approval from Council for an application from the Police to extend the alcohol ban areas on a temporary basis during the Rhythm & Vines Festival (R&V) and East Coast Vibes Concert (ECV).

The reason for the Police application is that people drink alcohol in these areas during R&V Festival and ECV and members of the public have been subjected to incidents involving threats and disorder from intoxicated people.

The subject areas for R&V are sites adjoining and including the Grays Bush Scenic Reserve and Carpark, Grays Bush lookout, Waimata Valley Road, Back Ormond Road from Hansen Road to Matawai Rd (SH 2), Waihirere Domain Road, Snowsill Road Glenelg Road, Kawatiri Road and all the roads joining Matawai Road to Back Ormond Road. Lytton West Reserve is also included in this application. The duration of the ban sought for R&V is from 6am on 27 December 2018 to 6pm on 1 January 2019. The festival finishes at 8am on 1 January 2019 and patrons start leaving soon after. The need to extend the ban until 6pm on New Year's Day is debateable. Staff believe 8am is more appropriate and the Police agree.

The subject area for the ECV concert is along Midway Beach bounded by Stanley Rd, Awapuni Rd, Salisbury Rd and Midway Beach, the area already included in the alcohol ban bylaw that applies from 27 December to 1 January each year. The duration of the ban sought for the ECV concert is from 8am on Friday 11 January 2019 to 6am on Sunday 13 January 2019.

The Council's Alcohol Control Bylaw 2015 allows for temporary alcohol bans for large scale events by ordinary resolution of the Council. The proposed ban will not apply to private properties and is of limited duration. On this basis, staff are satisfied that the temporary bans are justified as a reasonable limitation on people's rights and freedoms.

Police are the enforcement agency ensuring compliance with this bylaw. The maximum infringement fine for the breach of the alcohol ban is \$250.

Staff believe that the proposed bans will provide an additional tool to assist the police in dealing with alcohol related disorder issues and our recommendation is to support this application.

The decisions or matters in this report are considered to be of **low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. Notes the contents of this report.
2. Approves the extension of the alcohol ban area on a temporary basis from 6am on 27 December 2018 to 8am on 1 January 2019 over the areas around and including Grays Bush Scenic Reserve and Carpark, Grays Bush lookout, Waimata Valley Road, Back Ormond Road from Hansen Road to Matawai Rd (SH 2), Waihirere Domain Road, Snowsill Road, Glenelg Road, Kawatiri Road and all the roads joining Matawai Road to Back Ormond Road and Lytton West Reserve; more accurately shown in the map attached in Appendix 2.
3. Approves the extension of the alcohol ban area on a temporary basis from 8am on Friday 11 January 2019 to 6am on Sunday 13 January 2019 over the areas around Stanley Rd, Awapuni Rd, Salisbury Rd and Midway Beach; more accurately shown in the map attached in Appendix 3.

Authorised by:



Nicholas Zaman
Director Environmental Services & Protection

Keywords: R&V Alcohol ban, East Coast Vibes Alcohol ban

BACKGROUND

1. The Alcohol Control Bylaw allows for alcohol bans for large scale events by ordinary resolution of the Council.
2. Council has received an application from the Police under Council's Alcohol Control Bylaw 2015 to extend the alcohol ban areas on a temporary basis. The extent of the areas sought for the ban is same as last year, including Grays Bush and the Lytton Road Reserve.
3. The reason for the Police application is that people drink alcohol in these areas and experience shows that members of the public are subjected to incidents involving threats and disorder from drunken people. This was evidenced last year and during the previous 2016/2017 festival period.
4. Police have requested a ban in the vicinity of the R&V festival which is held at Waiohika Estate in Waimata Valley Road. The duration of the ban sought by the Police for the R&V festival is from 6am on 27 December 2018 to 6pm on 1 January 2019. The festival finishes at 8am on 1 January and patrons start leaving soon after. The need to extend the ban until 6pm on 1 January is debateable. Staff believe 8am is more appropriate and the Police agree.



5. Police have also requested an additional alcohol ban area around Midway Beach for ECV concert. The duration of the ban for this from 0800hr on Friday 11 January 2019 to 0600hrs on Sunday 13 January 2019. The subject areas for this ban is same as the Midway area already included in the bylaw for alcohol ban to apply from 27 December to 1 January each year.



DISCUSSION and OPTIONS

6. There are two options for Council to consider:

Option one – Adopt the Police application for a temporary alcohol ban either wholly i.e. agree to all the times and area applied for or a reduced area and/or time.

Option two – Deny the Police request.

Option Analysis

7. In order to make a decision the Council may consider the following issues:

- a. **Likely presence of alcohol in the area** – Police advise that during the R&V festival last year there were people sitting in in their cars and drinking alcohol and causing disorder. Similar issues were found around the East Coast Vibes venue.
- b. **Whether or not private rights will be unnecessarily or unjustly limited** – The proposed alcohol ban areas will not apply to private properties and is of limited duration and should, therefore, not necessarily or unjustly limit private rights.
- c. **Any recommendations, advice or other comments received from the Police as the enforcement agency** – Police are the applicants in this matter and support the ban.
- d. **Any other relevant information** –
 - **Enforcement of the proposed alcohol ban** – Police advise that they will have sufficient resources to enforce the ban.
 - **Purpose of the Bylaw** - The purpose of this bylaw is to regulate and control the consumption of alcohol in public places, the bringing of alcohol onto public places and the possession of alcohol in public places in order to reduce the incidents of alcohol related harm.
 - **Existing Police powers** – Council may decide that the proposed ban is not justified and that existing Police powers are sufficient to deal with the issues that have been raised.

Analysis of Police application

8. For the R & V festival the police application is based on that sought in 2017/18 for areas surrounding the R&V festival where patrons have previously congregated and caused issues. The application also includes the Lytton Road Reserve. With reference to the roads around the R&V festival, the Police application states that:

“In 2016/17 high numbers of persons used the large and inviting grass verges along some of the abovenamed roads as such areas. This led to complaints from those residents in the area to both the Police and the Council.

The extra roads mentioned in this application cover where Police believe event patrons will try to congregate in 2017/18. This takes into account the behaviours demonstrated by event patrons last year, which is to find the next closest site to the event site outside of the liquor ban area where they can legally consume alcohol.

The harder it is for that person to find such a location then the more unlikely it is that they will consume alcohol in an uncontrolled environment leading to less incidents of alcohol related harm.

Police do not believe this extended ban will negatively impact on residents in the area. That it will reduce the calls for service and reduce the complaints from residents.

It will give Police the tools required to prevent anti-social behaviour associated with these persons in this area.”

9. With reference to the Grays Bush Scenic Reserve and Carpark, Grays Bush Lookout, Waimata Valley Road, the Police application states that:

“Last year large groups from RnV went to these areas to drink alcohol. As a result of this there were large piles of alcohol related rubbish, glass bottles strewn throughout the reserves and persons urinating openly. Some of these people had to camp there as they became too intoxicated to drive back to RnV. The Gisborne District Council received complaints from visitors and Gisborne residents. This led to the Grays Bush Reserve having to be permanently locked”.

10. Grays Bush is not Council-owned land. It is administered by Department of Conservation (DoC). Alcohol bans can be applied to private land with landowner's permission. In this case, DoC have been consulted and have given their permission to include Grays Bush as part of the alcohol ban areas.

11. Council staff confirm that complaints were received last year of people drinking in the Grays Bush reserve and rubbish left there. The reserve was closed off.

12. With reference to Waihirere Domain and Ormond Kohi Recreational Reserve, in 2016/17 large groups travelled to this domain to consume large amounts of alcohol. Many residents in this area complained about the excessive consumption, rubbish and anti-social behaviour of groups. This directly impacted on members of the public wanting to use this domain for family gatherings. A number of complaints were received by Council.

13. With reference to Lytton Road Reserve, the Police application states:

“In 2016/17 this became a regular drinking area for RnV patrons. This led to a number of calls for service from residents in the area due to the anti-social behaviour of these groups. The roads became blocked with vehicles with many being left there as the drivers had consumed alcohol. The park was littered with bottles and rubbish as a result of this group congregating there.”

Alcohol ban area for East Coast Vibes Concert

14. The subject areas for this ban is same as the Midway area already included in the Council's Alcohol Control Bylaw and which apply from 27 December to 1 January each year.

Analysis of clause 7.2 criteria in the Alcohol Control Bylaw 2015

15. Officers are satisfied that the application meets the clause 7.2 criteria as proposed in this report.
16. The purpose of the bylaw is to regulate and control the consumption of alcohol in public places, the bringing of alcohol onto public places and the possession of alcohol in public places in order to reduce the incidents of alcohol related harm.
17. The R&V festival and ECV concert can certainly be classed as large scale events. Expected numbers for R&V festival is 20,000 and the East Coasts Vibes is about 5000 people each day.
18. Amendments to the Local Government Act 2002 (Act) which details alcohol bans following the reform of the Sale of Alcohol Act, are consistent with the view that temporary bans may be required.
19. Under s.151(2) of the Act it is anticipated that a bylaw may allow some matters to be regulated, controlled or prohibited by a resolution of the local authority.
20. The temporary ban is part of a larger police strategy to reduce unwanted behaviour in the area over the R&V festival and ECV concert period.
21. Police have confirmed that there will be sufficient police resources in the area to manage any breaches of the alcohol ban.

Public Notification of the Extended Alcohol Ban Area

22. If Council approves this proposal, public notification of the decision will be via two public notices in Gisborne Herald, adequate signage around the area, notices on council's website and other social media notifications.

ASSESSMENT of SIGNIFICANCE

Criteria	This Report	The Process Overall
The effects on all or a large part of the Gisborne district	Low	Low
The effects on individuals or specific communities	Low	Low
The level or history of public interest in the matter or issue	Low	Low
Inconsistency with Council's current strategy and policy	Low	Low
Impacts on Council's delivery of its Financial Strategy and Long Term Plan.	Low	Low

23. The decisions or matters in this report are considered to be of **low** significance in accordance with Council's Significance and Engagement Policy.
24. This proposed extension of the alcohol ban areas is a one-off decision for limited duration and is not considered to be a significant decision.

COMMUNITY ENGAGEMENT

25. Consultation has been limited to the Police and the Department of Conservation. Full Special Consultative Procedure was undertaken when the Alcohol Control Bylaw was passed in November 2015. The Bylaw allows for Council to designate specific areas as temporary alcohol ban areas and s.151 of the Local Government Act (Act) supports this view.

CONSIDERATIONS

Financial/Budget

26. Financial costs to Council will include two public notices in the newspaper and installation of signage advising public of the alcohol ban.

27. Previously made signs agreed with the police will be re-used to reduce costs.

Legal

28. The Alcohol Control Bylaw 2015 allows for temporary bans to be put in place. Section 151 of the Act allows the delegation of some decision making power to Council by ordinary resolution.

29. Under the recently added sections on alcohol bans in the Act, temporary bans are not required to meet the strict evidential requirements as to crime and disorder that permanent bans are (s.147A)(1)(b). This reflects the degree of flexibility required to manage temporary bans.

30. Under s.145A(1) Council must be satisfied that the temporary ban is justified as a reasonable limitation on people's rights and freedoms. It must also be satisfied that the criteria in clause 7 of the Bylaw are met.

31. The general decision making provisions contained in sections 76 to 81 of the Act apply to all decisions.

POLICY AND PLANNING IMPLICATIONS

32. Council has a Local Alcohol Policy for Gisborne District. The Policy provides guidance for the District Licensing Committee so that licensing decisions:

- a. Balance a healthy and safe Tairāwhiti with a vibrant and prosperous Tairāwhiti;
- b. Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm; and
- c. Reflect the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities.

RISKS

33. There are no major risks associated with this decision.

APPENDICES

Appendix 1: Application from NZ Police and maps of the areas 2018/19

Appendix 2: Map of the temporary liquor ban areas (R&V) 2018/19

Appendix 3: Map of the temporary liquor ban areas (ECV) 2018/19

Appendix 4: Map of the temporary liquor ban areas (R&V) 2017/18

Police Application for temporary Liquor Ban areas, Gisborne 2018/19

1/ Rhythm & Vines: 27 December 2018 to 1 January 2019

2/ East Coast Vibes: 11 January 2019 to 13 January 2019

The current Public Places Liquor Control Bylaw 2008 came up for review at a Gisborne District Council meeting held on 7th October 2015. The Gisborne police presented their submission to the Council to consider and approve the implementation of the Midway Liquor Ban for the period commencing 8.00am on 27th December to 6.00pm on 1st January any year.

The Changes to the Sale & Supply of Alcohol Act 2012 increased the threshold to demonstrate the need for continuing to have a bylaw. Previously the council only needed to be satisfied that an alcohol ban area would impact on crime, however they now need to be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms and that the alcohol ban area is appropriate and proportionate in the light of crime and disorder in the area.

The new Act enables the Council to review bylaws for the purpose of prohibiting, regulating and controlling of consumption or possession of alcohol on public places for managing crime and disorder associated with alcohol consumption. Police have the ability to use discretion without being overbearing when dealing with incidents of a minor nature.

It is acknowledged that the Temporary Liquor Ban area would include a number of parks and reserves and private dwellings. However police believe that no harm should continue to be caused to the community and the benefits of having a Liquor Ban in these areas far outweigh the impacts of not having a Liquor Ban over a short period of time.

Police would like to formally request the Gisborne District Councils support for a number of temporary liquor bans within the Gisborne region over the summer period.

These bans coincide with the **Rhythm and Vines event "Friday 28th December 2018 – Tuesday 1 January 2019"** and **East Coast Vibes "Friday 11 January 2019 to Saturday 12 January 2019"** that attract large crowds to the region.

A. With reference to Rhythm & Vines Festival:

The demographic makeup of this influx is mostly persons aged between 18yr to 25 yrs of age. This event is considered by this group to be a rite of passage and is often associated with consuming large amounts of alcohol.

This application takes into account issues faced by the Gisborne District Council, Police and Emergency services during the 2016/17 and 2017/18 events.

The move to no 'B.Y.O' alcohol at Rhythm and Vines resulted in large numbers of patrons looking for public area's to consume alcohol outside the event.

Although this was anticipated and extended liquor bans approved, the number of patrons gathering outside the event to consume alcohol was underestimated.

Police actively policed the Liquor Ban area, but due to inadequate signage could only warn patrons. This had a very limited or nil effect. Patrons also quickly learned where the Liquor ban boundaries were, and set up just outside these areas, trying to stay as close to the event site as possible. This allowed them the option to walk back to the event.

As a result of this combination of issues Gisborne was faced with vehicles parked on road side verges, people consuming large amounts of alcohol, people discarding empty containers and packaging along road sides, people sleeping in vehicles and in ditches, and persons urinating, vomiting and defecating on the roadside.

The Gisborne District Council and the NZ police received repeated calls from residents throughout the Hexton and Waihirere area's complaining about these issues.

During the 2016-17 four day Rhythm & Vines Festival period, police issued 103 Infringement Offence Notices and gave 100 warnings a total of 203 breaches.

A meeting in July 2017 with event organisers, council representatives and emergency services discussed the above issues. It was decided that a properly sign posted liquor ban area was important to try and minimise the effects of high volume consumption of alcohol by large gatherings of persons in public areas.

The Liquor Ban proposal for 2017/18 took into account all of these issues and also the increased liquor ban coverage area. It is designed to make it harder for patrons to consume alcohol close to the event site, therefore making it less attractive. It will also push those who want to continue this behaviour to move

further away. This will lead to smaller groups of persons spread out over a wider area, minimising their effects on the community as a whole.

With improved signage, police would expect the incidents of breaches of the alcohol ban to reduce further. Police actively policed the Liquor ban area and did observe an obvious reduction in the number of blatant breaches of the Liquor than in previous years. However due to inadequate signage (small sized signage and poor placement) police could only issue 47 Infringement Offence Notices and gave 100 warnings, a total of 147 for the 2017-18 festival period.

45 Infringement Offence Notices were issued in the Rhythm & Vines Temporary ban area and 2 for the Midway Liquor ban area. There was a 50% split share of warnings for both Temporary liquor ban areas over the 4 day period.

Persons who are under the influence of alcohol are more likely to display anti-social behaviour, leading to complaints from members of the public and residents living in this area. It is also increases the calls for service of emergency services.

Increased enforcement and other measures, such as increased No Parking zones should have a positive impact for the communities affected last year and assist in the minimisation of alcohol harm amongst patrons attending RnV.

A new consent applied for by RnV will see an increase of 2500 campers which will only add to this issue.

The N.Z Bill Of Rights Act and Humans Rights Act have been taken into account by police in the process of applying for this Liquor Ban.

B. With Reference to East Coast Vibes:

The demographic makeup of this influx is mostly persons aged between 18yr to 65 yrs of age. Drinking behaviour has changed moderately over the last 10 years. However police have observed that people attending these Special licensed events tend to preload at other venues or at residential dwellings and then attend the event with varying degrees of intoxication levels.

The vast majority of people who attend these locations have preloaded elsewhere and this pre-loading continues as they walk along the arterial routes, (Stanley Rd, Lytton Rd, Awapuni Rd and Salisbury Rd) until their arrival at the entrance gate outside the venue where they continue to consume alcohol (prompting the Temporary Liquor Ban). This has seen a concentration of alcohol related offending between these times.

The level of detection of previous offending has gone largely unreported, however people have been dealt with by way of on the spot warnings to resolve minor matters.

In 2014 a Temporary Liquor Ban was set in place surrounding the Awapuni Stadium environs for the previously known “BW Camping Festival”. This proved a very effective tool in preventing consumption of alcohol in public places. The recorded Breaches of the Liquor Ban was high for the first 2 days of the event, however these numbers declined dramatically as people became aware of the Ban. There was a noticeable drop in recorded Public Order Offences. This can be attributed to both education through local knowledge, signage and enforcement by the authorities.

The East Coast Vibes event held in 2018, exhibited a similar trend where patrons would arrive in varying stages of intoxication and would consume alcohol at the entrance points and discard their cans and bottles on the grass verge. Other would congregate around the external boundaries of the venue and consume alcohol while listening to the music. Police have also fielded complaints from event organisers about alcohol being passed through the fence to others inside the event.

This alcohol consumption continues as people are leaving the event and while waiting for transport away from the event.

Police believe that the temporary Liquor Ban is justified and is reasonable on the limitation on people’s rights and freedoms and that the alcohol ban area is appropriate and proportionate in the light of crime and disorder in the area.

Police have, and will exercise their discretion to ensure that any enforcement action is appropriate with the circumstances of each individual breach.

The liquor bans applied are:

RHYTHM & VINES TEMPORARY APPLICATION

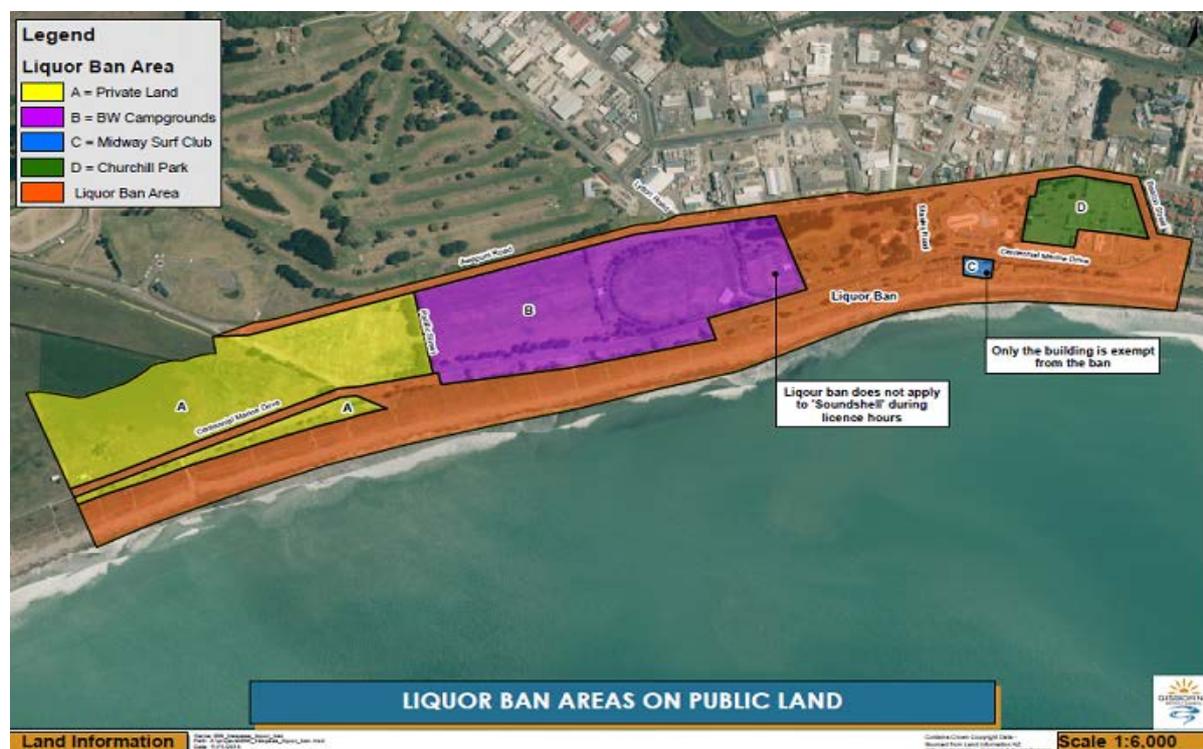
The ban for this area should run from 0600hrs on the 27th December 2018 to 1800 hrs on the 1st of January 2019 (Rhythm & Vines Festival)

EAST COAST VIBES TEMPORARY APPLICATION

The ban for this area should run from 0800hrs on the Friday 11 January 2019 to 0600hrs Sunday 13 January 2019 (East Coast Vibes)

MIDWAY LIQUOR BAN BEACH BOARDED BY AWAPUNI ROAD, PACIFIC STREET (Orange area on map)

The first of the bans are a continuation of previous year's bans and are required to ensure that these public areas can be enjoyed by all Gisborne residents and visitors to your region.



GRAYS BUSH SCENIC RESERVE & CARPARK, GRAYS BUSH LOOKOUT, WAIMATA VALLEY ROAD:

The bans at the Grays Bush reserve & carpark as well as the Grays Bush lookout are as a result of the 2015/16, 2016/17 and 2017/18 years issues.

Although the numbers of people consuming alcohol in the liquor ban areas decreased last year, there still remains a core group of people who continue to drink alcohol in these areas. As a result of this there were large piles of alcohol related rubbish, glass bottles strewn throughout the reserves and persons urinating openly. This was more so evident along Back Ormond Rd near the Festival site. Some of these people had to camp there as they became too intoxicated to drive back to RnV. The Gisborne District Council received complaints from visitors and Gisborne residents. This led to the Grays Bush Reserve having to be permanently locked.

The ban for this area should run from 0600hrs on the 27th December 2018 to 1800 hrs on the 1st of January 2019 (Rhythm & Vines Festival)

WAIHIRERE DOMAIN & ORMAOND KOHI RECREATION RESERVE.

In 2016/17 large groups travelled to this domain to consume large amounts of alcohol. Many residents in this area complained about the excessive consumption, rubbish and anti-social behaviour of groups. This directly impacted on members of the public wanting to use this domain for family gatherings.

The ban for this area should run from 0600hrs on the 27th December 2018 to 1800 hrs on the 1st of January 2019 (Rhythm & Vines Festival)

LYTTON WEST RESERVE, GISBORNE

In 2016/17 this became a regular drinking area for RnV patrons. This led to a number of calls for service from residents in the area due to the anti-social behaviour of these groups. The roads became blocked with vehicles with many being left there as the drivers had consumed alcohol. The park was littered with bottles and rubbish as a result of this group congregating there.

The ban for this area should run from 0600hrs on the 27th December 2018 to 1800 hrs on the 1st of January 2019 (Rhythm & Vines Festival)

BACK ORMOND ROAD FROM HANSEN ROAD TO MATAWAI ROAD, (S.H.WAY 2)

TUCKER ROAD TO HANSEN ROAD.

HANSEN ROAD TO BACK ORMOND ROAD.

SNOWSHILL ROAD.

WAIHIRERE DOMAIN ROAD.

HARPER ROAD FROM MATAWAI ROAD TO BACK ORMOND ROAD.

O'GRADY ROAD

KING ROAD FROM MATAWAI ROAD TO BACK ORMOND ROAD.

PILMER ROAD FROM MATAWAI ROAD TO TUCKER ROAD.

HAISMAN ROAD FROM TUCKER ROAD TO BACK ORMAOND ROAD

MacLAURIN ROAD.

GLENELG ROAD.

KAWATIRI ROAD.

WAIMATA VALLEY ROAD.

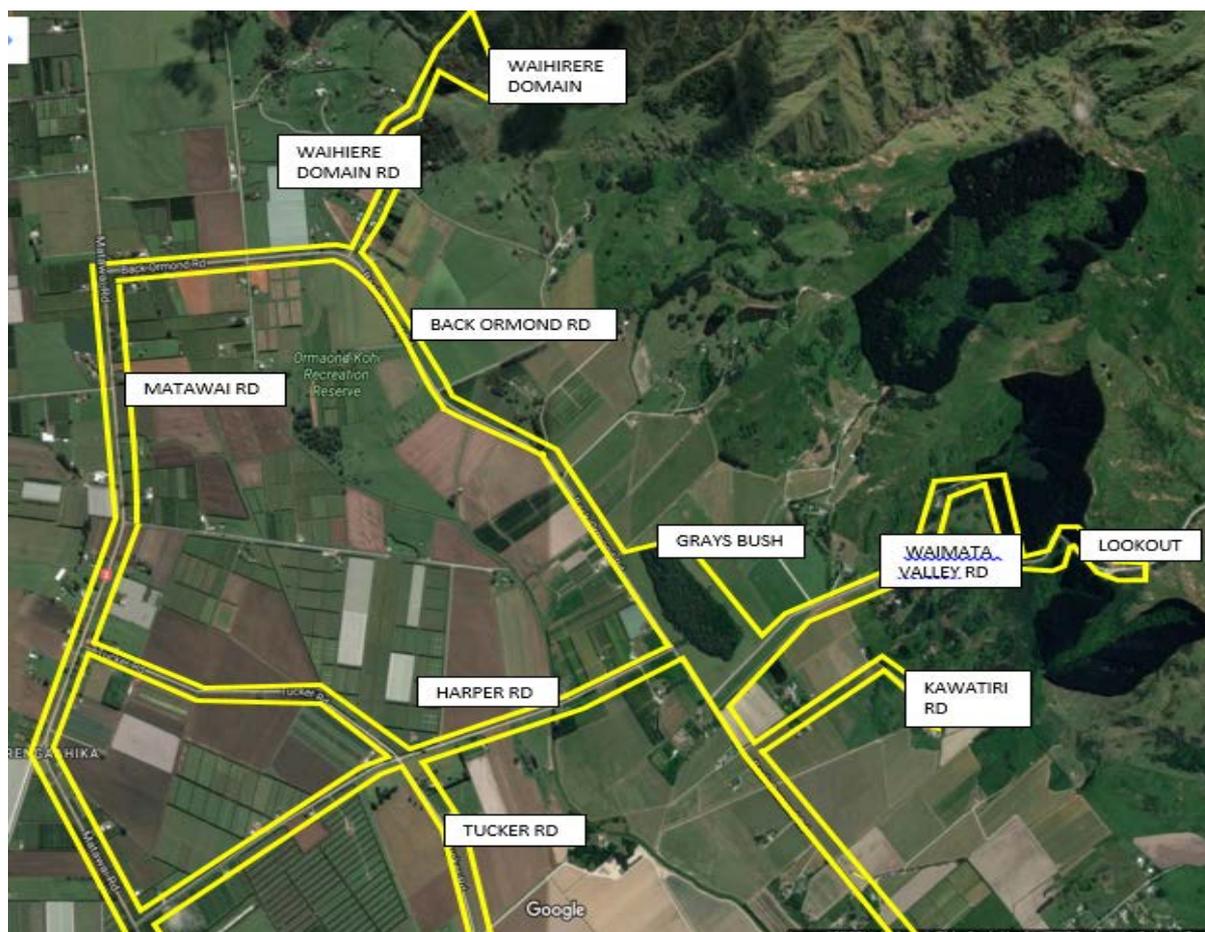
In 2016/17 high numbers of persons used the large and inviting grass verges along some of the above named roads. This led to complaints from those residents in the area to both the police and the council.

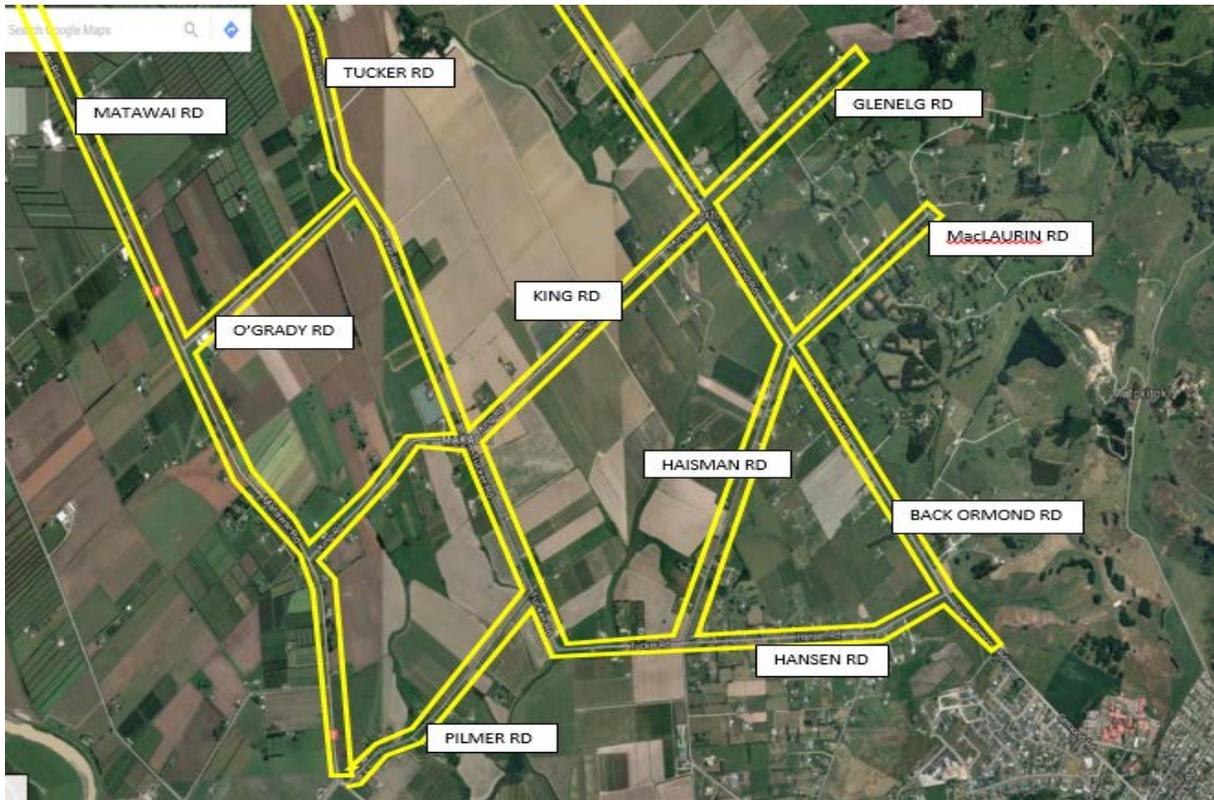
The roads mentioned in this application cover where police believe event patrons will try to congregate in 2018/19. This takes into account the behaviours demonstrated by event patrons last year, which is to find the next closest site to the event Site outside of the Liquor ban area where they can legally consume alcohol.

The harder it is for that person to find such a location then the more unlikely it is that they will consume alcohol in an uncontrolled environment leading to less incidents of alcohol related harm.

Police do not believe this extended ban will negatively impact on residents in the area. That it will reduce the calls for service and reduce the complaints from residents. It will give police the tools required to prevent anti-social behaviour associated with these persons in this area.

The ban for this area should run from 0600hrs on the 27th December 2018 to 1800 hrs on the 1st of January 2019 (Rhythm & Vines Festival)





For your information and approval.

Sergeant Isaac NGATAI

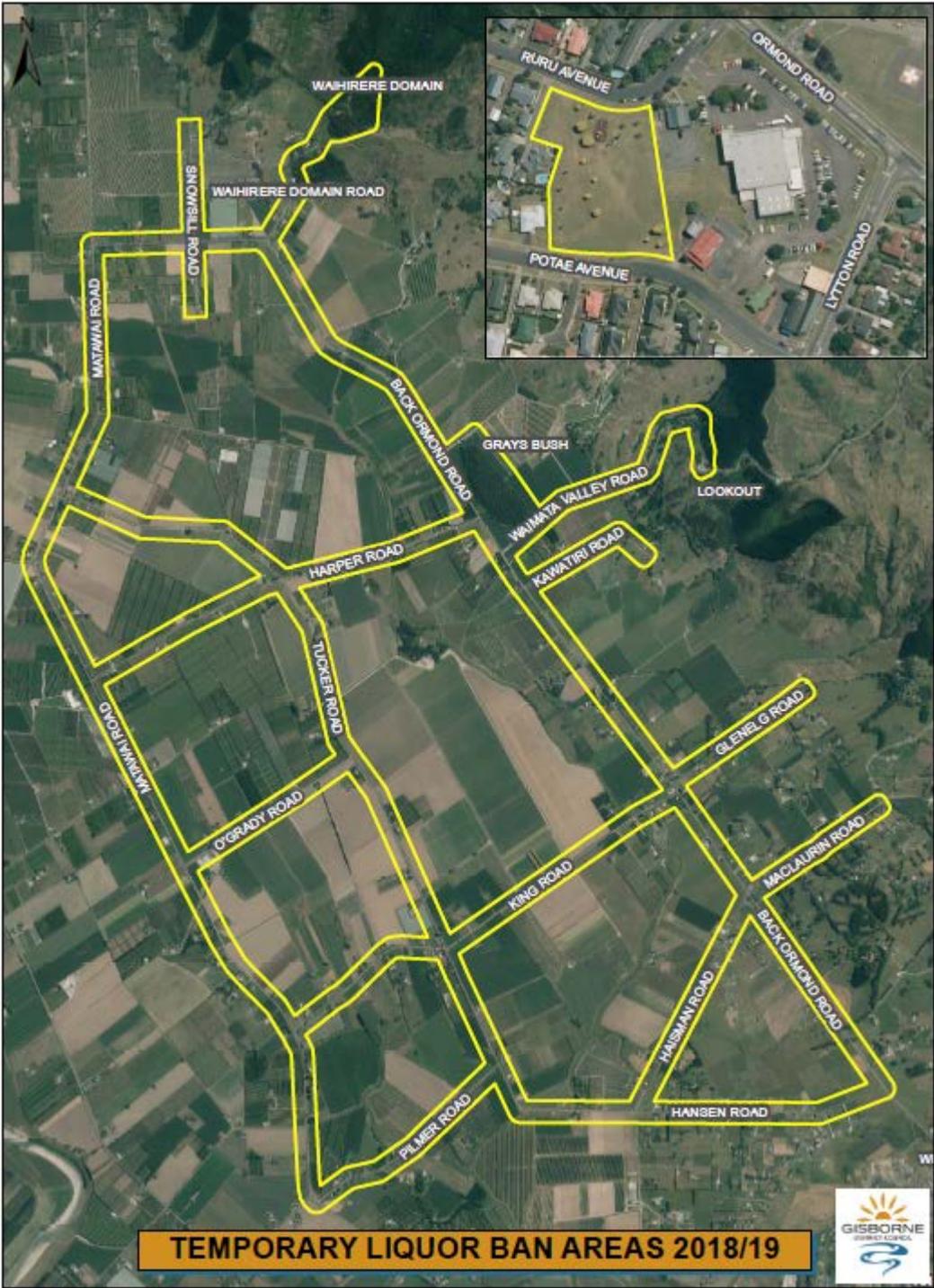
Alcohol Harm Prevention \ New Zealand police

Ph 06 8682717 Extn 68007\ Mobile 021 191 3475

E Mail isaac.ngatai@police.govt.nz

Safer Communities Together

Map of the Temporary Liquor Ban Areas R&V Festival



Name: Ruru_Dom_Temporary_areas_2018/19
Path: X:\img\temp_areas_2018/19.mxd
Date: 20/05/18
User: vld

Contains Crown Copyright Data -
Revised from Land Information NZ
Orthophotography - NZAM, Terralink
& Aerial Surveys

Map of the Temporary Liquor Ban Area ECV Concert



Temporary Liquor Ban Area R&V Festival 2017

