

Notice of Meeting:

I hereby give notice that a meeting of the Alcohol Control Bylaw Hearing Subcommittee will be held on:

Date: Wednesday 30 September 2015
Time: 2.30pm
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Alcohol Control Bylaw Hearing Subcommittee OPEN AGENDA

Membership

Chairperson Cr L Tooman
Members Cr G Mallett
Cr A O'Leary

Quorum: A majority of members (including vacancies)

Meeting Frequency: The Subcommittee will be disestablished following the completion of the hearing of submissions to the proposed Hamilton Alcohol Control Bylaw 2015

Ian Loiterton
Committee Advisor

24 September 2015
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Terms of Reference:

An Alcohol Control Bylaw Hearing Subcommittee of the Strategy and Policy Committee was established on 7 July 2015. The Subcommittee was delegated to hear submissions for the proposed Hamilton Alcohol Control Bylaw 2015, deliberate and make recommendations to the Strategy and Policy Committee on the matters consulted on in the Draft Hamilton Alcohol Control Bylaw 2015.

The Subcommittee will be disestablished following the completion of the hearing of submissions to the Draft Hamilton Alcohol Control Bylaw 2015.

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1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Committee: Alcohol Control Bylaw Hearing Subcommittee **Date:** 30 September 2015

Report Name: Proposed Hamilton Alcohol Control Bylaw 2015 - Hearings and Deliberations Report **Author:** Kelvin Powell

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Review of Hamilton Public Places Liquor Control Bylaw 2010</i>
Financial status	<i>There is budget allocated within operating budgets for the review of the bylaw, including legal input. Internal costs include staff time.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.</i>

1. Purpose of the Report

2. To provide an overview of submissions received in relation to the proposed Alcohol Control Bylaw 2015, which was adopted for consultation on [7 July 2015 Strategy & Policy Committee](#) for the purposes of public engagement.
3. The submission analysis report (Attachment 1) is organised in two parts:
 - Part 1: Overview of submissions
 - Part 2: Submission analysis and staff comments are to help inform the subcommittee's deliberation and subsequent recommendations to the 3 November 2015 Strategy and Policy Committee.

4. Executive Summary

5. Consultation was open for submissions from 5 August – 2 September 2015. A total of 13 submissions were received (including a late submission), with 2 submitters requesting to speak at the hearing on 30 September 2015.
6. All the submitters supported the 24/7 bans in the Central City Area and Te Rapa area with the majority supporting the 10pm to 6am city wide ban. For an overview and analysis of the submissions, please see Attachment 1.
7. Full submissions are available on Council's website at [HYPERLINK https://haveyoursay.hamilton.govt.nz/strategy-research/89c50b0d](https://haveyoursay.hamilton.govt.nz/strategy-research/89c50b0d).
8. Staff are not recommending any changes to the bylaw.

9. Recommendations from Management

- 10. That:
 - a) the report be received;
 - b) following the hearing of submissions, the Subcommittee deliberate and provide staff with direction on recommendations outlined in Attachment 1 (Part 2) to the proposal Alcohol Control Bylaw 2015; and
 - c) the final draft of the Alcohol Control Bylaw 2015 be reported back to the 3 November 2015 Strategy & Policy Committee for adoption.

11. Attachments

- 12. Attachment 1 - Submissions overview
- 13. Attachment 2 - Proposed Alcohol Control Bylaw 2015
- 14. Attachment 3 - Copy of submissions

15. Delegation

- 16. At its meeting on 7 July 2015 the Strategy and Policy Committee resolved that a subcommittee be established to hear verbal submissions on this bylaw.
- 17. The subcommittee also has delegated authority to deliberate on the written and verbal submissions and make recommendations to the 3 November 2015 Strategy and Policy Committee.

18. Risks

- 19. Any changes made to the bylaw that may affect additional rights of people (significantly different to council's initial proposal) may require council to re-consult on this bylaw.

Signatory

Authoriser	Debra Stan-Barton, Planning Guidance Manager
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SUBMISSION ANALYSIS REPORT

PROPOSED ALCOHOL CONTROL BYLAW 2015

This report:	This report provides a summary of each submission received including staff recommendations for deliberations.
Submission Period:	5 August – 2 September 2015
Total Submissions:	13 (includes one late submission)
Hearing requests:	2
Hearings date	30 September 2015

1. PART 1 – Summary of submissions

In general do you support the proposed ban areas?

RESPONSES FOR THE PROPOSED BANS			
Ban Areas	Number of submissions commenting on this topic		
	Agree	Disagree	Did Not Answer
24/7 Central City Area	13	0	0
24/7 Te Rapa Area	13	0	0
10pm - 6am City Wide	9	1	3

- There are no strong key themes that came through for supporting or not supporting the bylaw ban areas.
- The issues raised were (*the number indicates the number of people who raised the issue*)
 - Extend city wide alcohol ban to 24/7 (1)
 - More stricter ban in Central City Area (1)
 - Introduce 24/7 alcohol ban in sports parks (1)
 - Inclusion of explanatory notes as part of the bylaw (1)
 - Inclusion of reference to the Local Alcohol Policy in the bylaw (1)
 - Introduce more stringent bans in Hamilton East shopping precinct and Steele Park (1)

PART 2 - Deliberations

Submitters made comments in relation to specific clauses within the proposed bylaw. The following table outlines a summary of each submission with staff response and recommendation.

Submission No	Summary of Submission	Staff Response
Sub 001	<p>Supports continuing alcohol bans in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) <p><i>(Did not state support or non support for the proposed citywide ban).</i></p>	<p>Submitter comments noted.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 002	<p>Supports continuing alcohol bans in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) <p>Did not support the proposed citywide ban.</p>	<p>Submitter comments noted.</p> <p>No reason stated as to why submitter did not support the citywide ban, therefore unable to provide a response.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 003	<p>Supports continuing alcohol bans in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) 	<p>Submitter comments noted.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 004	<p>Supports continuing the alcohol bans in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) <p>Suggests the proposed city wide ban be extended to a 24/7 ban.</p> <p>Queries if alcohol can be consumed between 6am and 10pm in parks/reserves?</p>	<p>Submitter comments noted.</p> <p>Legislation is quite clear in its requirement that any extension of an existing ban or a new ban should be evidence based. Currently there is no evidence to support a 24/7 citywide alcohol ban.</p> <p>As per submitter's query, alcohol can be consumed within parks/reserves outside the current ban time period.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>

Submission No	Summary of Submission	Staff Response
Sub 005	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) <p>Suggests there be tighter controls on people leaving bars with bottles/drinking or smashing them in the CBD area.</p>	<p>Submitter comments noted.</p> <p>The proposed bylaw is already restricts these activities within the central city area, with a 24/7 ban on alcohol consumption and possession. No changes to the bylaw required.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 006	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) <p><i>(Did not state support or non support for the proposed citywide ban).</i></p> <p>The Central City Area needs strict alcohol bans.</p>	<p>Submitter comments noted.</p> <p>The proposed bylaw is already restrictive and proposes a 24/7 citywide alcohol ban.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 007	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) 	<p>Submitter comments noted.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 008	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) <p>Suggests sports grounds (parks) should also be included in 24/7 alcohol ban, due to problems caused by people drinking on the sidelines.</p>	<p>Submitter comments noted.</p> <p>Legislation is quite clear in its requirement that any extension of an existing ban or a new ban should be evidence based. Currently there is no evidence to support introduction of 24/7 alcohol bans in sports grounds/parks.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 009	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) 	<p>Submitter comments noted.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>

Submission No	Summary of Submission	Staff Response
Sub 010	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) <p>Submitter comments that they would support any approaches to reducing harm caused by alcohol. Also notes that a harm minimisation approach would eventuate in the reduction of unwarranted use of hospital facilities, dangerous driving, abusive behaviours, and environmental effect of excessive noise.</p>	<p>Submitter comments noted.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>
Sub 011	<p>Supports continuing the alcohol ban in:</p> <ul style="list-style-type: none"> • Central City (24/7) • Te Rapa (24/7) • City wide (10pm-6am) <p>Submitter indicated strong support for the status quo.</p>	<p>Submitter comments noted.</p> <p>The proposed bylaw has not changed in principal.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>

Submission No	Summary of Submission	Staff Response
Sub 012	<p>Submitter states that the rights of responsible drinkers should not be curtailed and the proposed bylaw offers a balanced approach.</p> <p>The submitter supports most parts of the bylaw however wishes to clarify the following:</p> <ul style="list-style-type: none"> - that the explanatory notes not forming part of the makes the notes unreliable - that the notes are insufficient to protect innocent persons. - that exemptions should be listed more clearly within the bylaw (as part of the bylaw rather than explanatory notes) and suggests that the wordings used in the factsheet be expanded. <p>Submitter notes that the bylaw makes no reference to the Local Alcohol Policy, which may be related to the operation of on-licenses within the boundaries of Hamilton City. Submitter suggests that Hamilton City Council should have two policies as companion-pieces in order to complete 'the big picture' for the city.</p>	<p>Submitter comments noted.</p> <p>Bylaws generally do not repeat the content of legislation within a bylaw. Explanatory comments contain the legislative references and definitions as stated in the Local Government Act (LGA) at the time of drafting this bylaw to give the readers the context and information without having to refer to the LGA. Should the definition or any information within the LGA change, having the flexibility to update the information within the bylaw by way of explanatory notes is a more efficient process to provide information to the general public. If the content were made to be part of the bylaw, any changes to the text would trigger a formal bylaw review process which is resource and time intensive.</p> <p>Exemptions are clearly stated within the legislation. This bylaw proposes no changes to those exemptions, and outlines them as information through the explanatory notes.</p> <p>Factsheets are provided in addition to the bylaw, to ensure that people are aware of their rights and is a repetition of the legislation.</p> <p>Local Alcohol Policy is governed by the Sale and Supply of Alcohol Act 2013 and attempts to control where alcohol can be sold in the city. Sale and Supply of Alcohol Act 2013 only allows certain powers to the Councils and do not extend to bylaw making nor addressing issues in relation to drinking in public places.</p> <p>Submitter raises a good issue and staff will investigate a mechanism to provide information in relation to the Local Alcohol Policy alongside the bylaw, should Council decide to adopt a Local Alcohol Policy.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>

Submission No	Summary of Submission	Staff Response
<p>Sub 013 – late submission</p>	<p>Submitter states that the ban area should be extended to include the Hamilton East shopping precinct including Steele Park. Submitter cites the following reasons;</p> <ul style="list-style-type: none"> - Groups of people gather in Steele Park for hours on end, often the whole day consuming alcohol (with unsupervised children and dogs). - The people of concern are not from the area and take up all the seating and family rest facility. - Staff witness shouting, pushing, public urination and intimidation and the behaviour deteriorates as the level of intoxication increases. Staff also face direct ‘hassling’ by this group. - Three schools in close proximity to the Park. - Free meals offered in the park area further exacerbates this issue. <p>Submitter states that a ban from Monday to Friday during work hours would increase the safety for both people who work in the area and the school age children.</p>	<p>Submitter comments noted.</p> <p>Dogs – Council’s Dog Control Bylaw addresses the issue of unsupervised/ unsafe dogs, complaints should be directed to council staff if there are issues in relation to dogs in Steel Park.</p> <p>Nuisance and offensive behaviour - Public Places including recreational parks are for the enjoyment of everyone – a bylaw cannot address the issues of who can access a park (whether they are from the area or not), what facilities people can use for how long. If the behaviour of certain people are offensive, causes nuisance and other users are feeling intimidated, the issue should be reported.</p> <p>Legislation is quite clear in its requirement that any extension of an existing ban or a new ban should be evidence based. Currently there is no sufficient evidence to support extending the existing city wide ban Steele Park (noting that the city wide ban.</p> <p>Staff are not aware of any issues in relation to alcohol abuse in the Hamilton East shopping precinct, therefore an introduction of a ban to this area would be unjustifiable.</p> <p>Staff Recommendation: no changes to the bylaw required.</p>

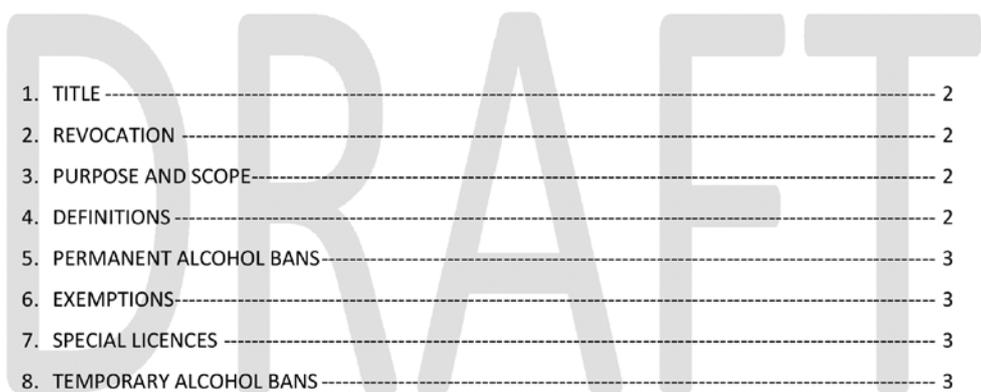
**Hamilton City Council
BYLAWS**



Approved By: Council	Date Adopted : 11 August 2010
Date Amended:	Amendments: <ul style="list-style-type: none"> • Update to include changes to Legislation, • Style of bylaw updated to be easier to read.
Date Amendment came into force:	Review Date:

DRAFT HAMILTON ALCOHOL CONTROL BYLAW 2015

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002 and any amendments to that act.



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Hamilton City Council BYLAWS

1. TITLE

1.1. Hamilton Alcohol Control Bylaw 2015.

2. REVOCATION

2.1. This bylaw revoked and replaced the Hamilton City Public Places Liquor Control Bylaw 2007.

3. PURPOSE AND SCOPE

3.1. The bylaw aims to reduce harm related to alcohol by controlling where and when people can drink or have alcohol in their possession in public places. This bylaw is made under the authority of the Local Government Act 2002 and applies to any public places within the district of Hamilton City Council as specified in Schedule 1A.

4. DEFINITIONS

4.1. In this bylaw except where inconsistent with the context:

Alcohol	Has the same meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of alcohol means a substance</i> <i>(a) that—</i> <i>(i) is or contains a fermented, distilled, or spirituous liquor; and</i> <i>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</i> <i>(b) that—</i> <i>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</i> <i>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C;</i> <i>or</i> <i>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.</i>
Council	Means Hamilton City Council.
Event	Means an organised activity involving a large group of people.
Licensed Premises	Meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of licensed premises means any premises for which a licence is held.</i>
Public Place	Meaning given by section 147(1) of the Local Government Act 2002. <i>Explanatory note: As at 1 December 2014, the definition of public place -</i> <i>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but</i> <i>(b) does not include licensed premises.</i>
Special Licence	Means the type of licence detailed in section 22 of the Sale and Supply of Alcohol Act 2012.

4.2. Explanatory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process.

4.3. Any future amendments to, or replacement of, a part of an act or regulation referred to in the bylaw apply to this bylaw.

Hamilton City Council BYLAWS

5. PERMANENT ALCOHOL BANS

5.1. A person must not:

- a) bring alcohol into an alcohol ban area specified in Schedule 1; or
- b) consume alcohol in an alcohol ban area in Schedule 1, or in a vehicle within an alcohol ban area; or
- c) have alcohol in their possession in an alcohol ban area or in a vehicle that is in an alcohol ban area specified in Schedule 1,

Unless an exemption or special licence applies.

Explanatory note 1: alcohol ban areas are outlined in Schedule 1 of this bylaw and exclude licensed premises.

Explanatory note 2: From 1 December 2014 under section 147(4) of the Local Government Act 2002, the prohibitions in clause 5 do not apply to alcohol in an unopened container in the following circumstances;

- a) the alcohol is being transported from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol is promptly removed from the public place.

6. EXEMPTIONS

- 6.1. A person can apply in writing to Hamilton City Council's Chief Executive (or the Chief Executive's nominated representative) for an exemption for an activity that would be in breach of this bylaw.
- 6.2. The Council will consult with the New Zealand Police when considering all applications for exemptions.
- 6.3. When an exemption is granted the public must be informed of the activity 7 days in advance of it taking place.
- 6.4. Fees may be prescribed to cover any actual and reasonable costs associated with the public notice, processing the application and/or obtaining a police response to the application for an exemption.

7. SPECIAL LICENCES

- 7.1. This bylaw does not stop any individual or organisation (corporate or otherwise) from obtaining a special licence for an event to be held in an alcohol ban area.
- 7.2. Clauses 5 and 8.1 do not apply to alcohol sold, supplied or consumed within the area to which a special licence applies.

8. TEMPORARY ALCOHOL BANS

- 8.1. In addition to clause 5, the Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an alcohol ban area for a particular time period relating to a specified event or a particular time of the year.
- 8.2. If this is done the Council will give the public at least 7 days notice of the temporary ban. The details of the alcohol ban area and when it will apply will also be made publically available.

Hamilton City Council BYLAWS

9. AMENDING ALCOHOL BANS

- 9.1. The Council may amend or revoke an alcohol ban in accordance with the Local Government Act 2002 (Subpart 1 of Part 6).
- 9.2. The Council may make resolutions to amend the alcohol ban areas in accordance with section 147B of the Local Government Act 2002.

10. SIGNAGE

- 10.1. The Council may display signs informing the public of the alcohol ban area. The absence of signage is not a defence against breach of this bylaw.

11. POWERS OF THE POLICE

- 11.1. In an alcohol ban area, in accordance with sections 169 and 170 of the Local Government Act 2002, the New Zealand Police may:
- a) inspect containers in the possession of people who are in or entering an alcohol ban area;
 - b) search a vehicle that is in or entering an alcohol ban area;
 - c) seize and remove alcohol and its container if it has been brought into an alcohol ban area; and
 - (i) arrest a person if they are committing an offence;
 - (ii) arrest a person who has refused to comply with a request by a member of the New Zealand Police:
 - to leave the alcohol ban area, or
 - to surrender the alcohol that, in breach of the bylaw, is in the person's possession.

12. OFFENCES AND PENALTIES

- 12.1. Any person who does not comply with the provisions of this bylaw commits an offence.
- 12.2. An offence under this bylaw is liable to a penalty under the Local Government Act 2002.

Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of \$250 under the Local Government Act (Alcohol Ban Breaches) Regulations 2013.

The foregoing amended bylaw was duly made by the Hamilton City Council by a resolution passed on the DAY of MONTH 2015 following consideration of submissions received during the consultation period. The Hamilton Alcohol Control Bylaw 2010 (Amended) was ordered to come into force on the DAY of MONTH 2015.

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor: _____

Councillor: _____

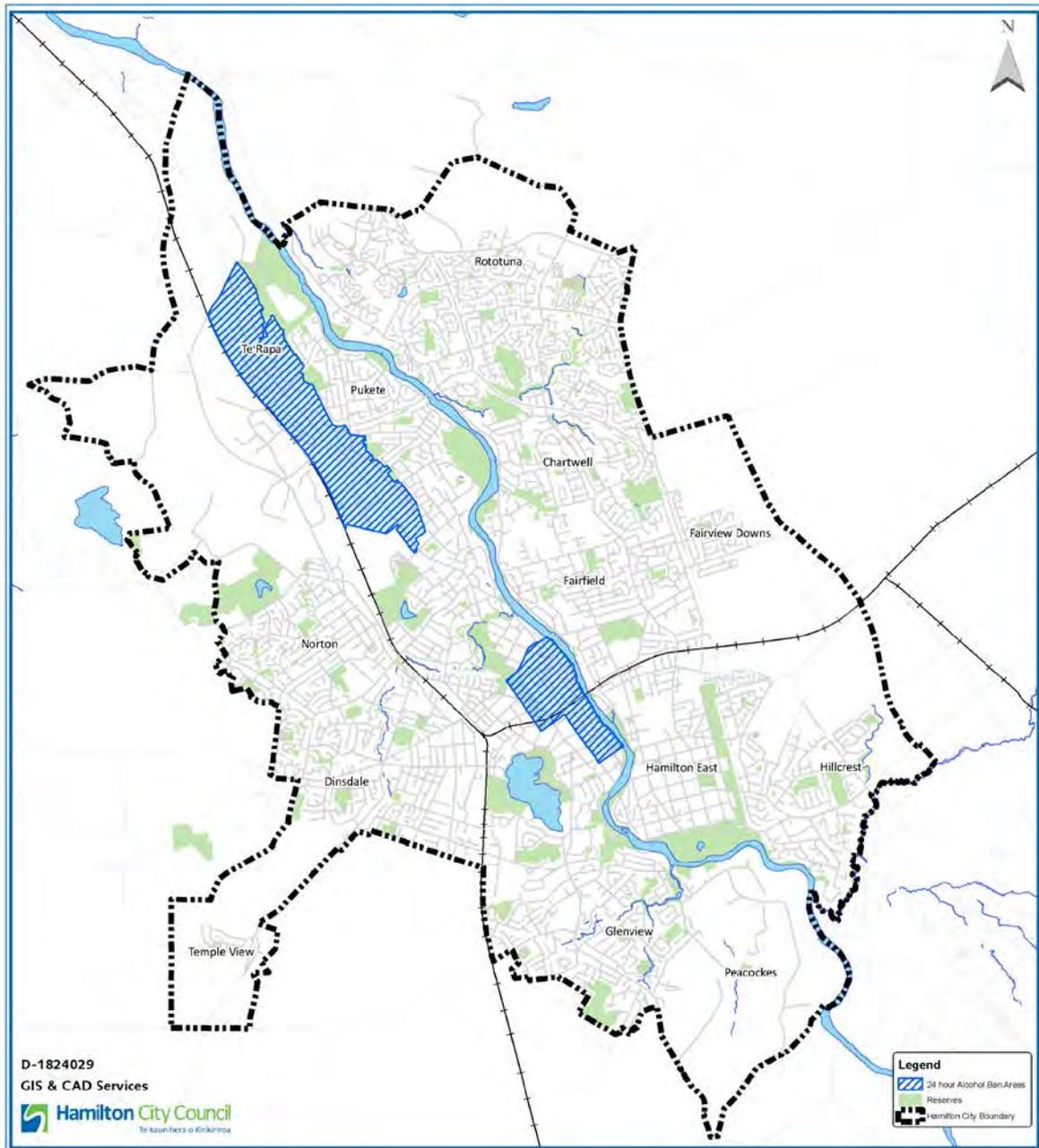
Chief Executive: _____

Hamilton City Council BYLAWS

SCHEDULE 1: ALCOHOL BAN AREAS

A. Time Restricted Alcohol Ban Area

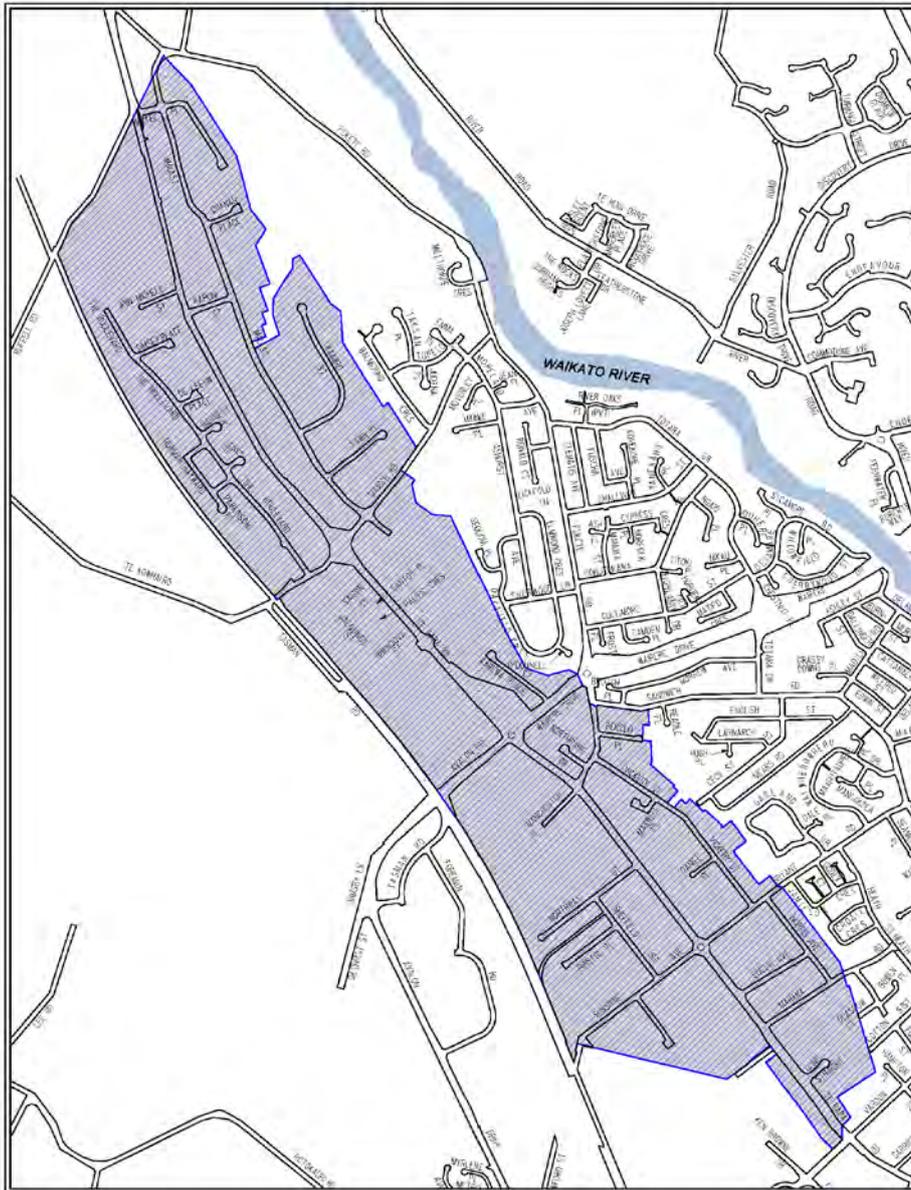
An alcohol ban is in place, covering all public places within the district of Hamilton City Council, shown within the black dotted line on the map below, from 10pm to 6am, 7 days a week.



Hamilton City Council BYLAWS

C. Te Rapa Alcohol Ban Area

The following parts of Te Rapa shown by the blue shaded area in the map below are included within the Te Rapa Alcohol Ban Area. The ban is in place 24 hours a day, 7 days a week:



Alcohol Control Bylaw 2015 Submissions

Please click on the submission reference of the submission you wish to view.

Sub No.	Name	Organisation (if applicable)
001	Nathan Morgan	Western Community Centre
002	Adip Desai	
003	Anonymous	
004	Sean Farrar	
005	Susan Stevenson	
006	Thomas Henderson	
007	Brian Wilcock	
008	Ciane Ellen Lawrey	Brampton Holdings Ltd
009	Ningning Su	
010	Shona McClinchy	n/a
011	Andrew Jones	The Phoenix Group
012	Lance Kendrick	The Social & Ecumenical Action Committee within the Parish Council of St Andrew's Presbyterian Church Hamilton
013	Jacqui Graham	Wise Group

*Please note:
Submission 13 was a late
submission*

Name: Nathan Morgan

Organisation (if applicable): Western Community Centre

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes

Name: Adip Desai

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** No

Name:

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Name: Sean Farrar

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Comments: I believe a 24/7 alcohol ban should be in place in all streets within the HCC district. This would be for the vulnerable communities where alcohol consumption, particular irresponsible consumption, is prevalent. From what I gathered in the bylaw, it is possible to consume alcohol between 6am and 10pm in parks/reserves, and streets. If this is not the case, and this is prohibited, or also considered public space, then clarifying that in the proposal would be helpful. Otherwise, a good proposal.

Name: Susan Stevenson

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes

- **24/7 ban in Te Rapa area:** Yes

Do you have any other comments? - Do you have any other questions?

I think there need to be tighter controls on people leaving bars with bottles or drinking out of bottles and then smashing them in the CBD area

Name: Thomas Henderson

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes

Comments: yes continue the ban

- **24/7 ban in Te Rapa area:** Yes

Comments: yes continue the ban

What aspects of the proposed bylaw do you agree with and why?

The central city needs to have strict alcohol bans because there is an element that think its cool to drink where they can be seen in their particular part of the central city - play the hero etc This doesn't make for a great city, it makes for a ghetto and slum-like conditions where other people are afraid to visit, live or park their car !!

Name: Brian Wilcock

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Name: Ciane Ellen Lawrey

Organisation (if applicable): Brampton Holdings Ltd

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Do you have any other comments? - Do you have any other questions?

The by-law would be improved greatly if it was to include sports grounds in its 24/7 total liquor ban. Living next to a sports field I am constantly horrified at the abuse leveled a club officials by the people boozing on the sidelines. After talking to the club chairman he also would like the drinking to stop, but feels powerless to in force any change to the status quo. The drinkers also leave behind their empties on the sports ground and the surrounding streets creating a hazard of glass bottles that then become broken glass. For years now elderly members of our community have taken it upon themselves to remove this rubbish, but their health is failing and they can no longer preform this community service.

A total ban on liquor will not only make our community safer but it will provide better role modeling to the children present (which there are many) that watching and taking part in a sporting community does not involve 'getting boozed' at every opportunity.

Name: Ningning Su

Organisation (if applicable):

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Name: Shona McClinchy

Organisation (if applicable): n/a

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

What aspects of the proposed bylaw do you agree with and why?

I agree with the stated proposed bylaw.

What aspects of the proposed bylaw do you disagree with and why?

I do not disagree.

Do you have any other comments? - Do you have any other questions?

Anything to reduce the harm caused by alcohol would receive my support. This does not only cover the physical damage to health, unwarranted use of hospital facilities, accidents, dangerous driving, abusive behaviour but also the environmental effect of excessive noise.

Name: Andrew Jones

Organisation (if applicable): The Phoenix Group

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes

Comments: I support the status quo.

- **24/7 ban in Te Rapa area:** Yes

Comments: I support the status quo.

- **10pm-6am City wide ban:** Yes

Comments: I support the status quo.

What aspects of the proposed bylaw do you agree with and why?

I support the status quo.

What aspects of the proposed bylaw do you disagree with and why?

I support the status quo.

Do you have any other comments? - Do you have any other questions?

I support the status quo.

Name: Lance Kendrick

Organisation (if applicable): The Social & Ecumenical Action Committee within the Parish Council of St Andrew's Presbyterian Church Hamilton

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

Comments: The rights and enjoyment of responsible drinkers should not be overly-curtailed. Under this night time-only city-wide ban, residents can still enjoy a picnic in a public park with a bottle of wine amidst the glories of nature.

What aspects of the proposed bylaw do you agree with and why?

We approve of most of the draft Bylaw.

The city is right to seek a balance between "individual responsibility" and freedom on the one hand, and appropriately-controlled drinking and non-drinking environments on the other (due to the effects of alcohol-related harm). We need to protect and promote public health and community safety.

What aspects of the proposed bylaw do you disagree with and why?

Unopened containers are one of the greyest matters in any liquor ban area. The draft Bylaw states in DEFINITIONS SECTION 4.2: "Explanatory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process." In other words, Explanatory Notes cannot be fully relied upon. Therefore, PERMANENT ALCOHOL BANS, SECTION 5, EXPLANATORY NOTE 2 (p.3) is insufficient to protect innocent persons. Exemption for unopened alcohol containers should be more-clearly listed with the other Exemptions in Section 6 and so form an official part of this actual Bylaw. Indeed, the wording to be taken from Explanatory Note 2 of Section 5 and put in Section 6 Exemptions should be expanded to cover the scenario in your own Fact Sheet: "Can I carry alcohol home or to a BYO restaurant, through alcohol ban areas? Yes, provided the container is unopened when being transported through the alcohol ban area."

Do you have any other comments? - Do you have any other questions?

This draft Alcohol Control Bylaw makes no reference to a Local Alcohol Policy which may govern aspects of the operation of on-licences and on-licences within the bounds of local authorities (as permitted under the Sale and Supply of Alcohol Act 2012). Hamilton city should have two policies as companion-pieces, in order to complete "the big picture" for our city.

Name: Jacqui Graham

Organisation (if applicable): Wise Group

The bylaw proposes to continue the current alcohol ban areas with no changes. Do you support continuing to ban the consumption and possession of alcohol in the following areas:

- **24/7 ban in Central City area:** Yes
- **24/7 ban in Te Rapa area:** Yes
- **10pm-6am City wide ban:** Yes

What aspects of the proposed bylaw do you disagree with and why?

The bylaw proposes to continue the current alcohol ban areas with no changes. We seek to have the current alcohol ban area extended to include the Hamilton East shopping precinct including Steel Park. The reason we request a ban on the consumption and possession of alcohol in this area is due to the following well known on-going issues;

- groups of people gather in Steel Park winter and summer with numbers increasingly in the summer months. They congregate for hours on end, often the whole day openly consuming alcohol. There are often children with them and dogs. Both the children and the dogs roam largely unsupervised.
- these people are not from this area and often drive here. We suspect the proximity of the liquor outlet, Mc Donalds, the park, toilets and seating makes the area attractive for this purpose.
- these groups take over all seating and the family rest facility
- as a business we overlook the park and are constantly witnessing shouting, pushing, public urination and intimidation. As the level of alcohol intake increases the behaviour deteriorates and only when the fights break out do we call the Police.
- our staff feel intimidated and feel unable to use either the toilet or park facilities. This has restricted particularly their ability to use the park for exercise and recreation. They are often hassled as they go to lunch in the shops in the area.
- We have three schools in close proximity of this area, two being primary schools and the level of intoxication by this group and subsequent behaviour around 3pm when children leave school is of concern.

Even if this ban was just Monday to Friday during working hours it would increase the safety for both the people who work in the area and the school age children.

Do you have any other comments? - Do you have any other questions?

This is not a new problem and at times when situations have escalated this has resulted in an increased Police presence. This has resulted in some relief on some days but has never been a sustainable solution. We are strongly of the view that a restricted liquor ban would stop this group and all the people who tag along with them congregating in this neighbourhood.

We also note that the situation has been further exacerbated due to the provision of free meals in the park area. This makes Hamilton East a destination to drink all day in the park and then stay until early evening to get a free meal.

Please note: Submission 13 was a late submission.