

23 October 2018

Porirua City Council
PO Box 50
Porirua City 5420

To Whom It May Concern

Re: Alcohol Control Bylaw

Thank you for the opportunity to provide a written submission on this consultation document.

Regional Public Health (RPH) serves the greater Wellington region, through its three District Health Boards (DHBs): Capital & Coast, Hutt Valley and Wairarapa and as a service is part of the Hutt Valley District Health Board.

RPH works with our community to make it a healthier safer place to live. *RPH* promotes good health, prevent disease, and improve the quality of life for our population, with a particular focus on children, Māori and working with primary care organisations. Our staff includes a range of occupations such as: medical officers of health, public health advisors, health protection officers, public health nurses, and public health analysts.

Our service delivery includes work to reduce alcohol related harm in the greater Wellington region and we are one of the three reporting agencies in the *Sale and Supply of Alcohol Act 2012* reporting on liquor licence applications.

We are happy to provide further advice or clarification on any of the points raised in our written submission. We wish to appear before the committee to speak to our written submission.

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Kind regards

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Service Manager

Section 1

Summary

Regional Public Health (RPH) appreciates the opportunity to submit on the proposed Alcohol Control Bylaw.

RPH supports the *Porirua City Council's* position to renew the bylaw and commends this proactive approach to reducing alcohol-related harm in the city.

RPH understands that information gathered earlier has informed this proposal. That information will be complemented further by additional or new information from public consultation and that may alter the proposal.

RPH recommends that *Council* take steps to ensure they do have relevant community information informing this bylaw and that it be used to question whether any of the alcohol ban areas require extension. Community have direct information on alcohol consumption in public places and play a vital part in ensuring the final bylaw is responsive to the local context and is an appropriate balanced response.

Alcohol bans are generally well supported by residents and businesses. However the details are often not well known especially by visitors. **RPH supports** the view of the *Council* that signage must be erected to aid in communicating the bylaw. This should be part of a wider communication and enforcement plan that supports the policy implementation.

Section 2

Support for Alcohol Control Bylaws

Public place drinking is one of a number of negative influences contributing to alcohol related harm. Public place settings are a common location for low level alcohol related offending, increase the opportunity for more serious alcohol-related violence¹ and increase the opportunities for drunk driving and underage drinking².

Alcohol Control Bylaws are a widely used and well-established tool internationally and in New Zealand. Despite the more stringent criteria under section 147A and 147B of the *Local Government Act 2002* these bylaws continue to be popular strategies to reduce harm. They are known to improve perceptions of public safety and can contribute to the reduction of harm by providing police with a tool for dealing with antisocial behaviour caused by drinking in public.³ They can also contribute to changing people's perception of social norms with alcohol being less visible in public and can help limit consumption to more controlled or supervised environments.

¹ Stevenson, R. (2009, April). *National Alcohol Assessment*. NZ Police. <https://www.police.govt.nz/sites/default/files/Police-National-Alcohol-Assessment.pdf>

² Webb, M., Marriott-Lloyd, P. A. U. L., & Grenfell, M. (2004, May). Banning the bottle: Liquor bans in New Zealand. In *3rd Australasian Drug Strategy Conference*. Melbourne, Australia [http://www.moh.govt.nz/moh.nsf/pagescm/1047/\\$File/banningbottleliquorbans.pdf](http://www.moh.govt.nz/moh.nsf/pagescm/1047/$File/banningbottleliquorbans.pdf)

³ Pennay, A., Manton, E., Savic, M., Livingston, M., Matthews, S., Lloyd, B. (2014). *Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups*. Turning Point Alcohol and Drug Centre. Funded by the National Drug Law Enforcement Research Fund. <http://www.ndlerf.gov.au/sites/default/files/publication-documents/monographs/monograph49.pdf>

The literature reports some limitations. Displacement can be a problem^{4 5} and disadvantaged and marginalised groups are more likely to consume alcohol in public, either by choice or because of limited alternatives.^{6 7}

Alcohol bylaws are most successful when part of a wider strategy.^{8 9} These should include other regulations for supply control for example elements in a Local Alcohol Policy, as well as community based harm reduction initiatives, social and cultural programmes and access to health services.

Alcohol bylaws are most successful when the underlying causes are understood, that context addressed and the community are engaged in the solutions.

Support for an Alcohol Control Bylaw in Porirua City

RPH maintains the view that the bylaw is a positive step being taken by *Council* to assist in reducing the harm from alcohol and that if it is not renewed there is a likelihood that it will have a negative impact on the community and alcohol harm will rise.

Alcohol harm from consumption in a public place is a particular subset of harm most often associated with heavy or excessive consumption. This harm is not distributed evenly throughout the Porirua population and thus a method which identifies areas of risk is useful in developing the bylaw. We understand Police have supplied crime analysis and GIS mapping to assist in the identification of risk areas and that this has informed the bylaw. To allow us to comment on the bylaw more effectively Police have also shared this report with us.

We note the proposed bylaw covers multiple areas of mostly small specific sites. As outlined in section 2 displacement of public place drinking can be a problem, particularly so where the areas covered are small and drinkers can easily move beyond the boundary. Police too have identified this concern in their report and cite a particular example in Mana regarding Ngāti Toa Domain with harm extending beyond the ban boundary to the north around liquor outlets in that area. This is not an isolated case and areas of high calls for service extend well beyond boundaries covered in the bylaw.

⁴ Alcohol Advisory Council. (2005, October). *Liquor Bans in New Zealand: ALAC Occasional Publication no. 25*. <http://www.hpa.org.nz/research-library/research-publications/liquor-bans-new-zealand>

⁵ Pennay, A., Manton, E., Savic, M., Livingston, M., Matthews, S., Lloyd, B., (2014). *Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups*. Turning Point Alcohol and Drug Centre. Funded by the National Drug Law Enforcement Research Fund. <http://www.ndlerf.gov.au/sites/default/files/publication-documents/monographs/monograph49.pdf>

⁶ Pennay, A., Room, R. (2012). Prohibiting public drinking in urban public spaces: a review of the evidence. *Drugs: Education, prevention and policy*, vol 19(2), p 91-101

⁷ Pennay, A., Manton, E., Savic, M., Livingston, M., Matthews, S., Lloyd, B., (2014). *Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups*. Turning Point Alcohol and Drug Centre. Funded by the National Drug Law Enforcement Research Fund. <http://www.ndlerf.gov.au/sites/default/files/publication-documents/monographs/monograph49.pdf>

⁸ Alcohol Advisory Council. (2005, October). *Liquor Bans in New Zealand: ALAC Occasional Publication no. 25*. <http://www.hpa.org.nz/research-library/research-publications/liquor-bans-new-zealand>

⁹ Pennay, A., Manton, E., Savic, M., Livingston, M., Matthews, S., Lloyd, B. (2014). *Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups*. Turning Point Alcohol and Drug Centre. Funded by the National Drug Law Enforcement Research Fund. <http://www.ndlerf.gov.au/sites/default/files/publication-documents/monographs/monograph49.pdf>

We urge the *Council* to scrutinise this problem closely during the consultation. The public have a good understanding of their communities and any problems associated with public place alcohol consumption. Information gained in this way will ensure the bylaw is fit for purpose. If understanding of the issue cannot be further progressed during this consultative stage through lack of public representation we recommend that *Council* approach communities directly. Consultation notifications are often missed and residents can be reticent about participation in this set process.

Several health indicators such as high levels of acute intoxication and higher levels of chronic disease caused by heavy consumption such as alcohol liver disease and alcohol dependency as well as lower socio-economic status can be used as markers to help determine what areas are potentially at higher risk of public place drinking. From our health data we have determined the following area units are at greater risk of public place consumption; Cannons Creek East, Cannons Creek North, Cannons Creek South, Waitangirua, Porirua East, Titahi Bay North, Titahi Bay South and Ranui Heights. Certain public spaces within these area units are covered in the bylaw which is encouraging but further tailoring may be necessary.

Although some areas contained in the bylaw do not feature strongly in the health data assessment there will be other evidence which supports their inclusion. It is the collective evidence from multiple sources which enables the bylaw to be tailored appropriately.

The importance of public consultation

The approach taken must be a balanced one where the rights of citizens are carefully balanced with the importance of maintaining approaches that lower alcohol related harm and improve the safety of residents to go about their daily business.

RPH recommend *Council* takes further steps to ensure they have relevant community information to inform this bylaw and that it is used to question whether any of the alcohol ban areas require extension.

Ensuring effectiveness and meeting legislative requirements

Evaluation of an implemented policy is important to assess its impact both positive and negative. Prior to the next review it may be beneficial for *Council* to collaborate with other agencies involved in alcohol harm reduction and complete an evaluative impact assessment. This would provide policy makers with a high level of evidence supporting the requirements under the *Local Government Act*, support a sustainable approach to the wellbeing of communities and a participatory and consultative approach to policy-making.

Community knowledge of alcohol free zones

Having variable restrictions across Porirua City may cause confusion. Such concerns were raised in the *Law Commission* report *Alcohol in Public Places*.¹⁰ It is important there is on-going clear communication about the specific locations covered in the alcohol ban throughout the life of the bylaw.

¹⁰ Law Commission. (2009). *Alcohol in our lives: An issues paper on the reform of New Zealand liquor laws*.

Other Matters

Alcohol and other drugs including tobacco are adversely impacting on the lives of those living in the Wellington region including many in Porirua. We are encouraged that *Council* is seeking to restore a smokefree policy and is exploring the appropriate content for that policy. *RPH* would be happy to assist in that conversation.

***RPH* fully endorses** the *Council's* commitment to children and young people through their strategic priority framework. To support good outcomes for those lives it will be important to address the effects from the misuse of alcohol, drugs and tobacco through others misuse, their own use and by preventing uptake of these substances. We think it valuable for *Council* to consider a work stream that directly addresses these concerns, that it's planned to complement existing activities and boosts the safety of the community more generally.