

SOUTH WAIRARAPA DISTRICT COUNCIL

31 OCTOBER 2012

AGENDA ITEM C1

PROPOSED TEMPORARY LIQUOR BAN

Purpose of Report

Notice is required to be given to the effect that a prohibition of alcohol consumption or possession (including while in a vehicle) in the specified public roads and places within the Martinborough area for the La De Da music festival from 30 December 2012 to 1 January 2013.

Recommendation

Officers recommend that the Council:

1. *Receive the information.*
2. *By resolution order a prohibition of alcohol consumption or possession of liquor for the public places as described in the report.*

1. Executive Summary

Council may by resolution order a prohibition of alcohol 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 within the South Wairarapa District. A temporary liquor ban is requested for the specified public areas surrounding the La De Da music festival site including the Martinborough Square.

The prohibition is intended to be in effect from:

30th December 2011 -7.00 am to 1 January 2012 1200 midday

Specified areas: Area to be covered by the ban would include the Martinborough town square, down Jellicoe street and as it turns into Lake Ferry Road to the intersection with Dry River Road/Dyerville Road (which ever it is described as) and the continuance of Dry River Road/Dyerville Road including where it turns into Blue Rock Road, to the intersection of Blue Rock Road with Ruakokoputuna Road. The area is defined in the attached Map see appendix One.

2. Background

There has been pressure from the Police, event organizers and individuals wanting a temporary liquor ban as a means of addressing concerns about

managing alcohol related behaviors in public places during the previous La De Da music festivals. A liquor ban was in place for the same areas for the 2011-12 La De Da festival.

The Police sought input into the Liquor ban proposed, their request is attached as Appendix Two.

The organisers of La De Da also sought input into the Liquor Ban proposed; their request is attached as Appendix Three.

3. Discussion

Resolution/Consultation process

Council is required to pass a resolution in order to impose this prohibition. The prohibition must be publicly notified in the appropriate newspaper at least 14 days in advance of the event. The Police powers of search under s170 (2) of the Local Government Act 2002 applies to these events.

4. Legal

The South Wairarapa Liquor Control Bylaw states:

3 Liquor Prohibition

3.2 In addition to the prohibition in Clause 3.1 above, the Council by resolution may order a prohibition of alcohol 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 and areas within the South Wairarapa District. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the event. The Police powers of search under s170 (2) of the Local Government Act 2002 applies to these events.

6 Offences

6.1 Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of this bylaw.

5. Appendices

Appendix 1 – Map Showing Proposed Liquor Prohibition Area

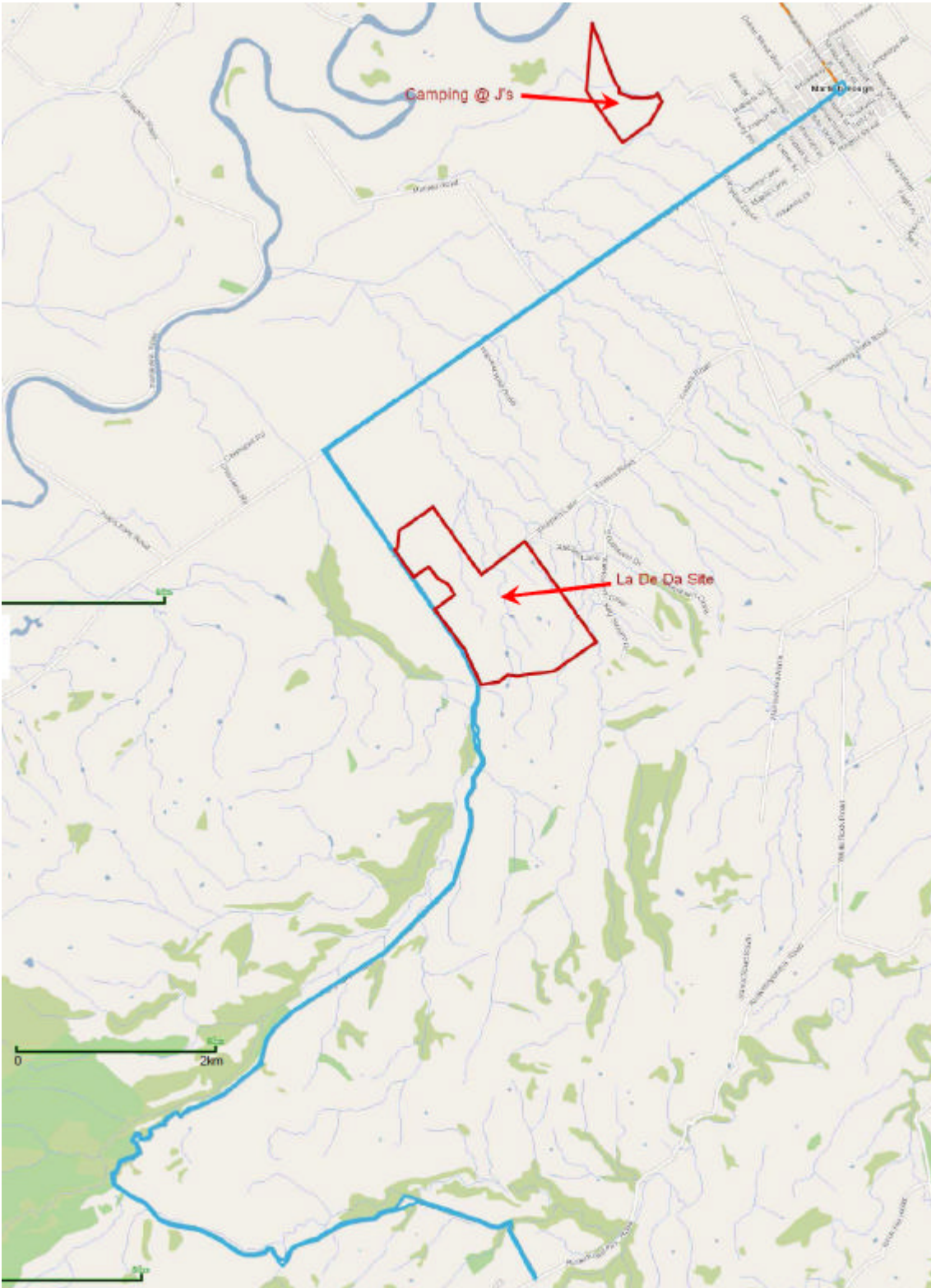
Appendix 2 – Police Report from Sergeant Carolyn Watson

Appendix 3 – Report from La De Da Festival Director

Contact Officer: Bronwyn Johnson, Environmental Health Team Leader

Reviewed By: Glenn Bunny, Group Manager Planning and Environment

Appendix 1 - Proposed Liquor Prohibition Area



Appendix 2-Police Report

In response to the request for input and consultation from the Police for a Temporary liquor ban in Martinborough during the period of the la De Da from 30th December 2012 to the 1st of January 2013.

The preferred times are:

30th December 2012 - 0700 am

to

1st January 2013 -1200 midday

Area to be covered by the ban would include the Martinborough town square, down Jellicoe street and as it turns into Lake Ferry Road to the intersection with Dry River Road/Dyerville Road (which ever it is described as) and the continuance of Dry River Road/Dyerville Road including where it turns into Blue Rock Road, to the intersection of Blue Rock Road with Ruakokoputuna Road.

The main reasons for a liquor ban for these areas is to prevent persons travelling in vehicles to the event from parking along the road sides and indulging in any preloading of alcohol before going into the event site proper. Even without the inclusion of alcohol, having large numbers of vehicles parked on these roadsides is an obvious concern in itself. The inclusion of the town square is deemed necessary to prevent any large buildup of persons visiting the area before and during the event, seeking the opportunity to indulge in alcohol consumption in the very public view and area of Martinborough itself. It is a reasonable assumption that these persons will be drawn to this area as is the norm in other parts of the country when festivals such as this are held. In those areas liquor bans are put in place to prevent build ups of alcohol affected persons which invariably leads to incidents of disorder, fighting and assaults. The police believe the community of Martinborough does not need to suffer any further intrusion on their peace and wellbeing by this potential hazard, than what they will be by the holding of the event in the first place. With the expected numbers of persons attending the event to be in the region of 10,000-12,000, there is a very real risk of the above mentioned incidents and hazards.

It is not the intention of the Police to prevent persons attending the event from enjoying themselves, but we are charged with the protection of life and property in the first instance and we must have a considered contingency in place to identify and nullify any potential risks; and we believe with this advice requested by and provided to the local authority it is pertinent and justified.

Therefore in summary the Police are seeking input in to the Liquor ban in the above specified areas due to:

The increased traffic hazards as identified.

The physical protection of persons attending the event, the public in general and the local community.

The potential disruption to the public peace and order of the Martinborough community.

The impact on the Police to provide a suitable response to the event as well as serve the needs of the local community.

Appendix 3 - La De Da Report

15 September 2012

Bronwyn Johnson

Environmental Health
c/- South Wairarapa District Council
19 Kitchener Street
Martinborough



Dear Bronwyn,

The La De Da New Year's Eve music festival, in consultation with our Special Liquor License Applicant Clinton den Heyer, request and wholeheartedly support a liquor ban on the roads and public property surrounding the La De Da festival site from seven am on 30 December 2012 until twelve pm lunchtime on 1 January 2013.

There are 3 main reasons for support of the ban. These are not the only reasons we support the ban, but we feel they present significantly compelling arguments in favor of the ban. The Festival Organizers, including the Bar Operator, have had significant experience in festival organization, and public events.

They are:

1. The protection of life, property and enjoyment of peaceful residence
2. Powers to the Police and relevant bodies
3. Perception of the festival and benefits to the wider community, including the perception of how the festival is being run in terms of its Liquor License.

The festival organizers wish to carry out car searches in the event that security staff suspect that people attending the event may be bringing in items considered contraband. Items include, but are not limited to, weapons, gang patches, fireworks, drugs and illicit substances, alcohol, BBQs or any propane or self starting fire kits.

Without a liquor ban, the Police have less of an area to work in and less power to carry out the protection of people in the area. The power of the Police to carry out measures to ensure the safety of people and the surrounding area is within best practice, and in the best interests of the festival organisers, for the sustainability and reputation of the festival as being safe, responsibly run, and easily attended.

The festival organizers wish to mitigate in any way possible, the potential negative impact that the festival may have on the area. This includes cars with people intending to attend the festival "pre-loading" alcohol in the areas surrounding the festival site.

La De Da trading as Martinborough Experience Limited

Any people attending the festival who have been able to smuggle in anything considered contraband, or who have indulged in pre-loading, compromises the overall success of the festival. For safety and the sustainability of the Resource Consent and Liquor License, and the good faith of the local residents, all alcohol consumed in relation to the festival must be consumed on site, regulated by licensed managers, security staff and to the satisfaction of the police. Pre loading in areas around the festival site compromises our ability monitor the effects of alcohol consumption on the festival attendees over the two days of the festival.

Pre-loading invariably leads to incidents of disorder, fighting and assaults. In order to mitigate this, the festival organizers believe the safest way to reduce potential harm and disruption to the local community, is to have as much ability to police the event in terms of the sale and supply of alcohol to exclusively on site consumption. The ability to carry this out is compromised by the lack of a liquor ban.

The potential for traffic hazards, and harm to the public, is increased if there is no liquor ban around the event. Pre loaders will park alongside the road, creating further congestion. Pre loaded intoxicated people may walk on the roads further exposing themselves to the potential of harm, and increase risk to the reputation of the festival. As the event is contained, allowing consumption outside of the festival site will stretch security staff and police across a wider containment area. With a liquor ban, we reduce this significantly.

In order to maintain a special license for the event, the organizers need to be able to monitor consumption on site, through the sale only of liquor. If people attending the festival have been given access to areas where it is easy to pre load, it compromises the reputation of the license holder, when the sale on site has been responsibly administered.

The physical protection of persons attending the event, the public in general and the local community is of paramount concern to the festival organizers.

The potential disruption to the public peace and order of Martinborough is also a major concern. In order to successfully carry out the festival sustainably, the organizers rely on the good faith of the community at large. It is in our best interests to support any action by way of The Council and The Police in order for us to achieve a "best practice" event.

We look forward to the successful implementation of a safe and enjoyable festival with the help of the South Wairarapa District Council, and the local Police.

Kind Regards,



Clinton den Heyer
La De Da Special Liquor License Applicant



Josh Mossman
La De Da Festival Director