

Sharon Bennett

From: twam@paradise.net.nz
Sent: Wednesday, 31 March 2010 4:42 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: trevor

Last Name: morley

Street Address: po box 7019

Suburb: wellington south

City: wellington

Phone: 4711663

Email: twam@paradise.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: Yes

Comments: The well-respected American criminologist George L. Kelling - one of the "inventors" of the "Broken Windows" theory and practice of crime reduction and control - said in his 1996 book "Fixing Broken Windows" that "...the decriminalisation of public drunkenness, plus the deinstitutionalisation of the mentally ill had momentous consequences for our cities. Apart from increasing the level of disorder on streets, these movements undercut the basic authority of police to intervene and manage two important types of disorder..." I agree with Kelling entirely. But not only must we extend the Liquor Control Bylaw to the entire city, it should also extend - generally speaking - to the carriage of liquor in the city. Specifically, it should be an offence to drive a motor vehicle (except a taxi or a bus) anywhere in the city when there is an open container of alcohol within the driving compartment, or is easily accessible to anyone in the driving compartment. Penalty should include instant seizure of the vehicle for a minimum of 48 hours.

Do you think the current bylaw should be extended to include Newtown: Yes

Do you think the current bylaw should be extended to include Mt Cook: Yes

Do you think the current bylaw should be extended to include other suburbs or areas: Yes

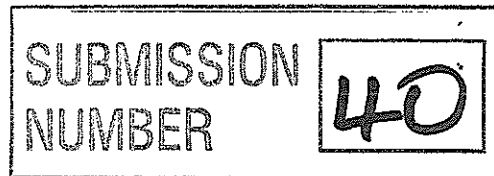
PS

If yes, please specify which suburbs / areas: ALL

Comments: There is little point in banning alcohol from only part of the city. For the ban to have any effect at all it MUST be an all-or-nothing coverage of the city.

Q

Q



Sharon Bennett

From: sam@vilain.net
Sent: Wednesday, 31 March 2010 9:41 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Sam
Last Name: Vilain
Street Address: 20 Jefferson St
Suburb: Brooklyn
City: Wellington
Phone: 9707170
Email: sam@vilain.net

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: It is a customary right to be able to peacefully enjoy oneself on the Commons in a manner of their choosing. Arbitrary restrictions on these rights is both a violation of the principles outlined in the Magna Carta, the very document from which law is established, and shoddy and lazy lawmaking.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Comments: Antisocial behaviour is already unlawful and usually illegal so is a liquor ban, even if it were a lawful approach, even required? How about simply cracking down on antisocial behaviour? That's the problem after all isn't it?

SUBMISSION
NUMBER

117

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Absolutely

POSITIVELY

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

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Submitter details

Name MAREE LIBEAU
Address 16 LINCOLN AVE
Address for notices TAWA 5028
(if different from above)
Phone number Business _____ Home 0272142731 Fax _____

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation: _____

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

I AM A 54 YR OLD SINGLE FEMALE, I WALK AROUND TAWA & WELLINGTON CITY ALOT, I FIND THE BROKEN LIQUOR BOTTLES & THE VOMIT ON THE FOOTPATHS & IN THE PUBLIC TOILETS AS VERY ANNOYING.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|---------------------------------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) TAWA, JVILLE

Comments:

I SPEND A LOT TIME IN COURTNEY PLACE & WHILE THE CRICKET TEST MATCH AGAINST AUSTRALIA, I NEEDED TO USE THE PUBLIC TOILETS & WAS ANGRY TO FIND VOMIT & OTHER YUKKY THINGS IN THE TOILET. PLEASE EXCUSE UNTIDY PRINTING.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

I WOULD VERY MUCH LIKE TO MAKE AN ORAL SUBMISSION ON MAY 2010, IN REGARDS TO DRINKING IN GENERAL & THE AGES OF THE PERSONS INDULGING

Please continue on a separate page if necessary.

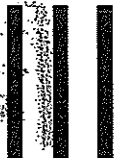
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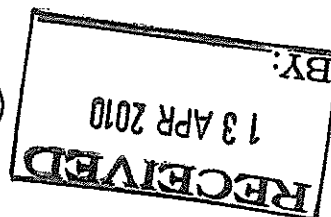
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WELLINGTON CITY COUNCIL **Wellington**

NEW ZEALAND
12 APR 10

Free



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011



SUBMISSION
NUMBER

301

Sharon Bennett

From: mckee.family@paradise.net.nz
Sent: Tuesday, 27 April 2010 12:24 a.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Mike

Last Name: mckee

Street Address: 31 Hector st

Suburb: seatoun

City: wellington

Phone: 9708002

Email: mckee.family@paradise.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: this is lazy thinking and poor law.

To take away the right to quiet enjoyment to the general populace of having a drink at the beach or any public place is poor and not the Kiwi way.

That it is because the NZpolice can't control drunk people in particular suburbs is lazy and poor thinking.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

Comments: The existing laws should be strongly enforced so that the offenders drunk people are dealt to.

Not ordinary people going about their business.

by all means made a bylaw that you may not be drubnk in public and then enforce it on people who breach the peace.

Wellington City Council
RECEIVED
05 MAY 2010
3pm

**SUBMISSION
NUMBER**

563

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**

Proposed amendment to the Liquor Control Bylaw

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The Council wants to know what you think about the proposed bylaw.

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Submitter details

Name **JOCELYN FRANCES OIKANE**
Address **WELCOSS, PO BOX 11-706, MANNERS ST., WGTN**
Address for notices
(if different from above) *** (PLSE CONTACT VIA MOBILE PHONE)**
Phone number Business **3853518** Mob: **021 164-3350** Home **021 164-3350** Fax

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Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation: **WELCOSS - WGTN COUNCIL OF SOCIAL SERVICES**

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

PLEASE FIND OUR SUBMISSION ON THE LIQUOR CONTROL BYLAW PROPOSAL ATTACHED.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|-----|----|--------|
| a) Newtown | Yes | No | Unsure |
| b) Mt Cook | Yes | No | Unsure |
| c) Other suburbs and/or areas | Yes | No | Unsure |

(If yes, please specify which suburbs/areas)

Comments:

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

Please continue on a separate page if necessary.

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Absolutely
POSITIVELY
 ME HEKE KI PŌNEKE **Wellington**
 WELLINGTON CITY COUNCIL



Liquor Control Bylaw Review Consultation (COCY02)
 Wellington City Council
 PO Box 2199
 Wellington 6011



WELCOSS P.O. Box 11-706 Wellington New Zealand Ph (04) 385-3518 Fax (04) 385-3564

04 May 2010

Submission on: **LIQUOR CONTROL BYLAW – PROPOSED CHANGES (May 2010)**

Many of the WelCOSS member organisations are supportive of a liquor ban across Wellington, but some are not, believing that unacceptable behaviour is the problem, and that existing laws, including those that control litter, are adequate.

WelCOSS understands that the proposed city wide liquor ban is in response to the problem of public drinking in Newtown and peoples' perceived lack of safety. In the belief that extending the liquor ban from the city to Newtown risks sending the problem elsewhere, the city council is planning to extend the 24/7 liquor ban across the city.

We get it that a liquor ban allows police to respond to critical situations, however it seems a really drastic response to a problem created by a small group of people who are problem drinkers. WelCOSS is aware that services to support and rehabilitate people with alcohol and drug issues have been severely limited, and with Capital & Coast DHB having around \$10 million dollars less in the next financial year to support agencies working in primary health, and with national cutbacks from the Ministry of Health, the only outreach service for this group is that of a part time nurse.

Publicity was given last winter to a small number of problem drinkers who had multiple health and social needs, tying up emergency department services with repeated admissions to hospital. With few support workers and little opportunity to access rehabilitation programmes, these few are caught in a revolving situation that agencies are well aware of but lack resources to intervene. A proposal for a wet house to support this particular group, will, we understand, not proceed at this time.

Police powers are limited – they can arrest quickly, but this is another revolving door, with drinkers sobering up in the cells, appearing in court, fined, and out again on the street, with yet more debt.

Until Wellington has the resources to deal with these two circular situations, we will continue to see the same hard core of drinkers surface in different parts of the city. Seven years ago, the problem was in Central Park, the police acted and Glover Park and other parts of the city including Cuba Mall became problematic, then the liquor ban was imposed in the city and the problem is now visible in Newtown. A city wide liquor ban risks sending the problem indoors, thus increasing the risk of violence, especially to women and children, and jeopardising tenancies – or into parks and quiet areas. While younger drinkers tend to aggression, the older drinkers are more likely themselves to be victims of crime.

Recent publicity from the City Council about the proposed liquor ban states: “ We want to strike the right balance between enabling people to enjoy the benefits of alcohol while reducing the costs and harm experienced when alcohol is abused.” It is WelCOSS's belief that imposing a city wide liquor ban is not the way to achieve this.

WelCOSS chairperson, Jocelyn Frances O'Kane, would be happy to make an oral submission on this matter.

The background of WELCOSS

The Wellington Council of Social Services is an umbrella organisation for around 160 not-for-profit groups in Wellington.

WELCOSS is a forum for members of accredited community and social organisations to discuss and act on social concerns.

WELCOSS advises members, other social service organisations or individuals, of the resources and assistance available. Produces monthly newsletters.

WELCOSS initiates, encourages, supports or provides active assistance in the development of community and social service programmes to meet the needs of the people of Wellington.



Sharon Bennett

From: stephen@vital.org.nz
Sent: Monday, 26 April 2010 4:45 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Stephen
Last Name: Judd
Street Address: 33 Marewa Road
Suburb: Hataitai
City: Wellington
Phone: 021 877752
Email: stephen@vital.org.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: The proposed extension will either make a lot of extra work for police while penalising the majority of responsible drinkers, or rely heavily on police discretion. Over-reliance of police discretion leads to potential or perceived unfairness and erosion of faith in the police and council officers as nice middle class people at the Soundshell get a picnic bottle of wine while others are penalised.

Furthermore the existing ban is of limited effect as any late night trip down Courtenay Place will show.

Efforts at dealing with the real problem of chronic street alcoholics should be focussed on irresponsible licencees and the actual behaviour of problem drinkers -- where is the wet house that has been waiting for many years?

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

EE

Do you think the current bylaw should be extended to include other suburbs or areas: No

Comments: This is a quick, symbolic gesture which is likely to be ineffective as police chase the hardcore drinkers around the city. Good effective policy is hard and will require many small tweaks to existing regulations and the odd bold move.

Good on the council for thinking about the problem, and I hope this stays high on the agenda. However, this solution isn't the right one and will have bad side-effects for the rest of Wellington.



Sharon Bennett

From: trayc@paradise.net.nz
Sent: Tuesday, 4 May 2010 3:19 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Tracy

Last Name: Hurst-Porter

Street Address: 8 Ohariu Road

Suburb: Johnsonville

City: Wellington

Phone: 977 1410

Email: trayc@paradise.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: on behalf of an organisation

Organisation Name: Johnsonville Progressive Association

Do you support the proposed amendment: No

Comments: Johnsonville Progressive Association is apposed to this amendment. Many of the outer city suburban areas do not appear to have a problem with Liquor Control to the same degree as the inner city suburban areas. We feel this bylaw is an imposition on individual civil rights. This bylaw will effectively stop people from having a glass of wine at the beach over summer because of the actions of a few. There are already laws that prohibit people from being intoxicated and objectionable in public places. It has been suggested that this bylaw would allow the police to use discretion when dealing with people having a quiet drink in a public place. In principle the Johnsonville Progressive Association does not think it is a good idea to create a bylaw that will be used in a decretionary manner. You either use it or don't bother having it. Police should be encouraged to use the mechanisms already available to them to deter objectionable behaviour rather than imposing an oppressive and unnecessary bylaw on everyone.

Do you think the current bylaw should be extended to include Newtown: Yes

484

Do you think the current bylaw should be extended to include Mt Cook: Unsure

Do you think the current bylaw should be extended to include other suburbs or areas: No

Comments: This bylaw is a knee jerk reaction to a problem that has been moved from the inner city to Aro Valley and now Newtown. City and Social resources should be used to address the issues that have caused the problem in the first place rather than imposing draconian bylaws that are effectively moving the problem from one suburb to another. There are no evidence to suggest the inclusion of this proposed bylaw will stop people from drinking in public places. Johnsonville Progressive Association believes the WCC would do better to talk to the communities that are experiencing problems with people drinking inappropriately in public and work together to find effective solutions.

**SUBMISSION
NUMBER**

593

Sharon Bennett

From: pushkin@paradise.net.nz
Sent: Wednesday, 5 May 2010 5:11 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: David

Last Name: Bimler

Street Address: 14 Akatea Street

Suburb: Berhampore

City: Wellington

Phone: 3800151

Email: pushkin@paradise.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: The proposed bylaw is essentially a proposal to give bars a monopoly on alcohol consumption within Wellington. I can see why publicans and hoteliers are in favour of it, but I question whether they are the right people to trust with reducing the amount of alcohol consumed.

The best way of checking whether the proposal would actually reduce problem drinking in Wellington is to ask whether the existing bylaw on inner-city alcohol consumption has made any difference. Evidently it has failed. A sane response at this point would be to cancel those restrictions and look for the root causes of the problem (for instance, the existence of so many bars in Courtenay Place, relentlessly promoting alcohol as the shortcut to social success), rather than extend them.

Do you think the current bylaw should be extended to include Newtown: Unsure

Do you think the current bylaw should be extended to include Mt Cook: Unsure

Do you think the current bylaw should be extended to include other suburbs or areas: Unsure

SUBMISSION
NUMBER

48

Absolutely

POSITIVELY

ME HEKE KŌPŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

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Submitter details

Name Christine Jones
Address 268 The Terrace
Address for notices
(if different from above) 268 The Terrace
Phone number Business 04 384 3357 Home 04 938 6130 Fax 04 384 9907

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

The liquor ban does not address the fundamental issue of fostering an excess drinking culture but as a private resident on the Terrace it need to be extended to include this area because of the people traffic flow into the CBD that are consuming large amounts of alcohol.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|---------------------------------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) *Te Aro, Kelburn.*

Comments:

The extension is the best solution and would hopefully reduce the amount of noise and litter on a Wednesday, Thursday, Friday and Saturday. Bottles, cans and rubbish being thrown into private properties.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

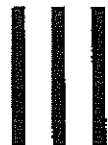
Comments:

Please continue on a separate page if necessary.

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FreePost Authority Number 2199

Absolutely
POSITIVELY
ME HEKE KI PŌNEKE
Wellington
WELLINGTON CITY COUNCIL



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

**SUBMISSION
NUMBER**

450

Sharon Bennett

From: Susan Gordon [Susan@atareira.org.nz]
Sent: Monday, 3 May 2010 3:21 p.m.
To: BUS: Policy Submission; Giselle Bareta
Subject: Submission re: 24/7 citywide liquor ban
Attachments: may 3 submission.doc

Attached please find a submission.

We would like to be heard if possible.

Thank you

Susan Gordon

Susan Gordon, Coordinator
Easy Access Housing
04 499 1064
021 027 09889

3/05/2010

Easy Access Housing

274 Taranaki Street Level 01

WN Phone 499 1064 Fax 499 1063

Wellington City Council
policy.submission@wcc.govt.nz

May 3, 2010

Submission regarding: Liquor control Bylaw – Proposed Change

To Whom It May Concern:

The Easy Access Housing Project provides temporary transitional housing for people with experience of mental health issues. We recognize there are problems with behaviors around alcohol consumption in Wellington City. However a 24/7 liquor ban in public places will not solve the problem.

We would like Council to consider the following points:

- We believe the Council should provide safe designated drinking areas within and throughout the city. These places can be monitored. They would provide a place for outreach work and a point for other contact services.
- The proposed ban will result in problem drinkers having no option but to drink in their homes. People who would otherwise drink away from homes will invite other drinkers in. Some will be forced to allow other drinkers in. This causes breakdown's in tenancies.
- Many of these people live in WCC buildings. The ban will cause more disruptions and safety issues in Council housing. This will cost the Council more money in damages to Council property. Other Council tenants will suffer by having the quiet enjoyment of their homes interrupted.
- The proposed bylaw will have a negative impact on problem drinkers struggling to change their habits around alcohol. For them it will be much more difficult to maintain a home that is a "No Drink Zone".
- The cost of policing this proposed law will be enormous. It will strain an already stretched police force.
- The effect of this bylaw will increase the number of Wellingtonians who must use the court system. The courts are already stretched.
- There could be civil right issues around who the police choose to stop drinking and who they ignore.

On the surface a 24/7 city wide liquor ban may seem like a good idea but in reality we believe the idea is unwise.

We would like The Council to operate or encourage wet houses to be established in Wellington.

If and when possible we would like to be heard by The Committee . Thank you for your consideration in this matter.

Yours faithfully,

Susan Gordon

Susan Gordon, Coordinator
027 486 1111 or 499 1064

**SUBMISSION
NUMBER**

389

Sharon Bennett

From: trustydi@gmail.com
Sent: Friday, 30 April 2010 10:36 a.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: diana
Last Name: ranger
Street Address: 16A Gloucester Street
Suburb: Wilton
City: Wgtn
Phone: 475 8497
Email: trustydi@gmail.com

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: Responsible persons, eating and consuming small amounts of alcohol from a glass should be able to do so at picnics, beach or park. "Swigging" from cans or bottles on streets or public places in a noisy, offensive manner should be an offence.

Central government, I assume, is the only authority able to enact police powers of arrest but I am tired of inconvenience, restrictions and limitations on my life due to drunken louts. Intoxication should be a criminal offence with realistic penalties. (There is also a high crime rate associated with alcohol -including road murders.)

Do you think the current bylaw should be extended to include Newtown: Yes

Do you think the current bylaw should be extended to include Mt Cook: Yes

Do you think the current bylaw should be extended to include other suburbs or areas: Unsure

Comments: It should be an offence in any suburb to drink in bus shelters, on a footpath, in parks or open areas after nightfall; carry open vessels of alcohol or behave in a noisy, abusive,

PSE

intoxicated or violent manner -including at private clubs like the Wilton Bowling Club or in private homes if the noise/violence/vandalism effects other residents.

It is the boozing louts who should be restricted -not us. It would be great to see them incarcerated (the louts not the poor, inoffensive "down and outs" who just stupefy themselves) in Mt Crawford prison -without refurbishing it!

Just incidentally I have not consumed alcohol "outside" anywhere in about 40 years.

SUBMISSION NUMBER



Proposed amendment to the Liquor Control Bylaw

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Submitter details

Name

ANADEE ROSE

Address

106 Brougham Street

Address for notices (if different from above)

Mt Victoria

Phone number

Business 3892571

Home 8019373

Fax 3892789

Note: all written submissions including names and addresses are published and made available to all Councilors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission:

as an individual

on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes

No

Unsure

Comments:

I live in Brougham Street Friday & Saturday nights are hell - we have roaring drunk men and screaming drunk women outside our house fighting, vomiting and throwing rubbish onto the property. I am surprised the Council thinks it has addressed the problem in Mt Victoria the police are not interested in taking action

As a result of consultation, the Council could decide against proceeding with a city-wide 2017 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- a) Newtown Yes No Unsure
- b) Mt Cook Yes No Unsure
- c) Other suburban areas and/or areas Yes No Unsure

(If yes, please specify which suburban areas)

All - especially all Mt Victoria

Comments:

I live on the first street outside the liquor ban. It is horrible on Friday and Saturday night. A man was sleeping in my car (breaking in) every Saturday night. I only found out one Sunday morning because he had vomited all through my car and left his EFTPOS card. The Police would not take any action.

Would you like to make an oral submission to the Strategy and Policy Committee on 20 May 2010?

- Yes No

Comments:

The extent of the problem does not appear to be clearly understood. I would like to explain. There also needs to be the ability to get a quick response from the Police (not just noise control) when there are screaming drunks in the street

Please continue on a separate page if necessary.

Amadee Rose

Second fold here

FreePost Authority Number 2199



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

**SUBMISSION
NUMBER**

399

Sharon Bennett

From: emz.tollemache@gmail.com
Sent: Friday, 30 April 2010 7:11 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Emma

Last Name: Tollemache

Street Address: 6/17 Adeladie Road

Suburb: Mount Cook

City: WELLINGTON

Phone: 0278230015

Email: emz.tollemache@gmail.com

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

Sharon Bennett

From: webcentre@wcc.govt.nz
Sent: Wednesday, 5 May 2010 1:22 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Mladen
Last Name: Ivancic
Street Address: 94 Waipapa Road
Suburb: Hataitai
City: Wellington

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: This proposal is an over reaction to localised problems.

I believe the police already have sufficient power to deal with drunken behaviour.

Why punish the majority for the excesses of a very small minority.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

Comments: The existing bylaw already includes too much of the city.

I don't trust the police to act in a sensible manner in terms of properly enforcing this bylaw.

**SUBMISSION
NUMBER**

604

Late

Sharon Bennett

From: hayden.eccles@dompost.co.nz
Sent: Monday, 10 May 2010 6:44 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Hayden
Last Name: Eccles
Street Address: 3 Belvedere rd
Suburb: Hataitai
City: Wellington
Phone: 0220064250
Email: hayden.eccles@dompost.co.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: On Sunday the May 9th 2010 I was arrested under this bylaw. I have never been in any trouble with the law and hold a respectable job. I have concerns to the power Police have regarding this bylaw and the public awareness. I have had a very bad experience and what I have experienced I would not wish on anyone. As a result of this I am apposed to the change to the liquor control bylaw.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

SUBMISSION
NUMBER

134

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name

Jan Roberts

Address

PO Box 9829 Te Aro Wellington

Address for notices
(if different from above)

Phone number

Business

Home 04-389-6256 Fax

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Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission:

as an individual

on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes

No

Unsure

Comments:

I fully support the proposed liquor Control bylaw city wide 24 hours a day seven days a week.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|--|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) **Newtown + Mt Cook**

Comments:

I live + work in Newtown + I see the many problem drinking liquor in the streets causes. I feel if we had a liquor ban imposed for Newtown it would give the police a tool to use to help improve Newtown.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

I feel the policy Committee needs to hear from the people who live + work in Newtown.

Please continue on a separate page if necessary.

Second fold here

FreePost Authority Number 2199



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

SUBMISSION
NUMBER

463

Sharon Bennett

From: robert.davies@paradise.net.nz
Sent: Tuesday, 4 May 2010 6:21 a.m.
To: BUS: Policy Submission
Cc: robert@statsresearch.co.nz
Subject: Submission on proposed amendment to the Liquor Control Bylaw

Submission on proposed amendment to the Liquor Control Bylaw

Submitter details

Name: Robert Davies
Address: 16 Gloucester Street, Wilton, Wellington 6012
Phone: 4753346 (day & night)
Fax: 4754206
Email: robert@statsresearch.co.nz

Submission details

This submission is on behalf of the Wilton Residents' Association

Comments

We do not support the proposed amendment to extend the liquor control bylaw to the whole city 24/7.

Any extension should be limited to the problem areas.

It may be reasonable to extend the ban to additional areas such as Wilton to apply during the night only.

We have no comment to make on whether the extension should be extended to Newtown and Mt Cook as this is up to residents of these suburbs.

I would like to make a short oral submission to the Strategy and Policy Committee on 20 May 2010.

**SUBMISSION
NUMBER**

506

Sharon Bennett

From: btharri@clear.net.nz
Sent: Wednesday, 5 May 2010 10:31 a.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Bernie
Last Name: Harris
Street Address: 84 Mills Road
Suburb: Brooklyn
City: Wellington
Phone: 04 389 6637
Email: btharri@clear.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: on behalf of an organisation

Organisation Name: Vogelmorn Kingston Residents Association

Do you support the proposed amendment: Yes

Comments: Regrettably the law becomes a blunt instrument unless it provides for anomalies. Responsible drinking in public is socially acceptable whereas irresponsible behaviour of any kind is deserving of the necessary protections expected in a civilized society.

I therefore support an extension of the current selective by-law to become city wide 24 hours a day, seven days a week to enable the police to provide the necessary intervention where irresponsible behaviour, associated with drinking alcohol in public, is causing the concern of members of the public.

I would prefer, however, the enactment of any statute that preserves the freedom of responsible citizens so that irresponsible individuals are those to be duly penalised.

Do you think the current bylaw should be extended to include Newtown: Yes

Do you think the current bylaw should be extended to include Mt Cook: Yes

102

Do you think the current bylaw should be extended to include other suburbs or areas: Yes

If yes, please specify which suburbs / areas: Mornington, Berhampore, Vogeltown, Kingston, and Brooklyn

Comments: The question is badly worded. If the purpose of consultation is to obtain sufficient evidence to establish a suitable by-law, the evidence must surely direct the Council to make the decision accordingly. The word 'could' enables the Council to make a decision contrary to the available evidence just to preserve their political security.

Therefore, should a decision be made contrary to the available evidence, the unequivocal reason for that variation must be clearly explained to the public and not just to those who have taken their democratic right to make a submission on this important subject



Sharon Bennett

From: malcolm@sage.co.nz
Sent: Monday, 26 April 2010 3:34 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Malcolm
Last Name: Stayner
Street Address: 42B Thurleigh Grove
Suburb: Karori
City: Wellington
Phone: 04 476 4586
Email: malcolm@sage.co.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: This city-wide ban is an over-reaction in my view. It will make technical criminals of those citizens who want to enjoy a beer or a glass of wine with their picnic.

While the police may exercise discretion, there is no guarantee that they will. Surely those people who create a nuisance in public after consuming too much alcohol can be dealt with in other ways, e.g. disturbing the peace?

Do you think the current bylaw should be extended to include Newtown: Unsure

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

SUBMISSION NUMBER	102
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Sharon Bennett

From: bernard O'Shaughnessy [bernardboss@yahoo.co.uk]
Sent: Monday, 19 April 2010 11:28 a.m.
To: BUS: Policy Submission
Subject: Liquor Control Bylaw

Dear Policy Group

Re: Liquor Control Bylaw

This gives notice that I will be making a submission about this mess over the booze encouraged mess created by the Mayor and the CEO and therefore I wish for you to note I wish to attend and be heard.

I wish to have ten minutes please.

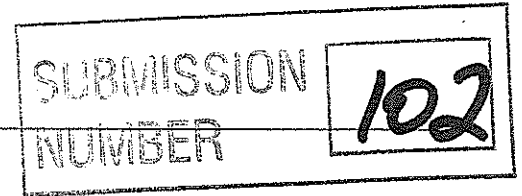
My written submission will be provided before the 5 May 2010.

Yours sincerely

Bernard O'Shaughnessy

20/04/2010

Sharon Bennett



From: bernard O'Shaughnessy [bernardboss@yahoo.co.uk]
Sent: Monday, 12 April 2010 12:19 p.m.
To: BUS: Policy Submission
Subject: City Wide Booze Ban

Dear Policy Team.

I wish to attend an speak to my submission.

I do so as an individual.

I am Ngati Tuhoe.

The WCC needs to explore the legal and culture aspects of its proposed city wide booze ban from my perspective.

The Council proposes to ban booze in the total Wellington area out to the beach area.

Could you please consider:

My Maori blood sees a problem.

Questions please to be researched and presented to Council.

Where does or will the booze ban kick in, that is at what point AT THE BEACH?

1) Does the booze ban stop at "high water mark" or low water mark?

2) The present suggestion is that from a Nasty National Govt we will all own the foreshore & seabed situation. But who is "We?"

3) As a Maori maybe I can seek customery rights to sit on the beach and get boozed both below the high water mark, or above the low water mark, or what about if I lie in the water as the tide comes and goes, yet want to get boozed?

4) What is the situation in regards Oriental Bay Beach. I do see Dr Peter Sharples swim there at times. I have spoken with him.

5) As of now the is a booze ban there, to keep it clean for the tourists, but being Maori I booze there sometimes, as I am fully aware of my rights. Also one has to remember that the sand there is not 'local' nor historical, as the WCC shipped it up at great expense from the South Island, without MY iwi being consulted, so where do I stand in that regard in respect to the proposed booze ban.

6) I have opposed the booze license of the Bluebridge ferry as for the reasons given in "the papers" now sent to the Booze Authority by your WCC Agency,

15/04/2010

as ferry staff are often drunk when sailing the ferry.

7) What happens if I am drunk on board the ferry, I fall overboard in a life jacket, float to Oriental Parade, am I subject to the booze ban or not.

These are interesting legal and Treaty of Waitangi questions that need answering and resolved for Council, at Council.

Kind regards

Bernard



102

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name: **BERNARD OISHAUGHNESSY**

Address: **APT 239, 320 Mansfield St Newton**

Address for notices (if different from above): **Wellington**

Phone number: Business **—** Home **—** Fax **—**

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Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

E Mail only **Bernard.boss@yaho.co.uk**

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation: **CAT, BAB, TIN 10 (Recess) RATrs, BAC**

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

See over.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|---------------------------------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas)

Comments:

Please see attached
CHANGE NZ'S CULTURE.

Please circulate it to councillors

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

YES - I wish to have
10 minutes.
Also I will present further
written material + power point.

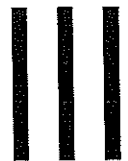
Please continue on a separate page if necessary.

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FreePost Authority Number 2199

Absolutely
POSITIVELY
ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**

Free 



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

Sharon Bennett

102

From: bernard O'Shaughnessy [bernardboss@yahoo.co.uk]
Sent: Wednesday, 5 May 2010 2:59 p.m.
To: BUS: Policy Submission
Subject: Liquor Control Bylaw

Dear Policy Team

I have today lodged with Brian Sullivan (think that was his name) at the counter at 2pm my submission regarding the need to have a booze ban in Newtown.

There is 81 pages.

Well, I only want my usual 5 minutes as can get my message over within 30 secs. But the extra 4 mins would be cool for an oral submission.

I asked at reception to see someone on this matter but everyone was engaged. I called at 12:45 but everyone out so called again at 2pm. Guess everyone having a busy day. Please acknowledge my submission and advise me a time for the oral.

Yours sincerely

Bernard

6/05/2010

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name

Bernard O'SHAUGHNESSY

Address

239/320 Mansfield St

Address for notices

(if different from above)

Newton - Park Mews

Phone number

Business

-

Home

021-1888-289

Fax

-

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Submission details

I am writing this submission:

as an individual

on behalf of an organisation

Please name the organisation:

BAB (TIN' DO in RECESS) CAFE, HART, RATES,

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes

No

Unsure

Comments:

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|----|--------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | No | Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | No | Unsure |
| c) Other suburbs and/or areas | Yes | No | Unsure |

(If yes, please specify which suburbs/areas)

Comments:

See attached full submission.

I will only speak to the first page!

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

See attached.

Please continue on a separate page if necessary.

Second fold here

FreePost Authority Number 2199

Absolutely
POSITIVELY
ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**

Free 



Liquor Control Bylaw Review Consultation (COC402)
Wellington City Council
PO Box 2199
Wellington 6011

①

Submission to the WCC:

Liquor Ban:

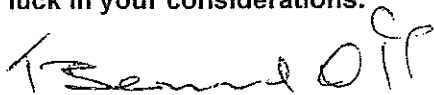
I make the following submission to WCC in support of a liquor ban in NEWTOWN....being Option 2.

I attach papers in support of this matter which I table in this chamber, and will be submitting similar papers to the House.

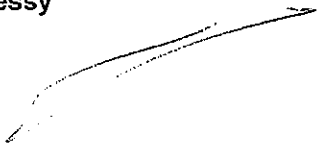
I attached my notice of motion which was put to a public meeting in Newtown, which was passed with amendment to have the Liquor Ban in Newtown, as well as Mt Cook and Berhampore.

I hope most councillors have better vision for the future on Wellington in regards this matter, than has been exercised in recent years.

Good luck in your considerations.



Bernard O'Shaughnessy



NOTICE OF MOTION

THAT THIS MEETING:

- a) Call on the WCC (Councillors & Council Officers) to put in place immediately a Liquor Ban in Newtown
 - b) being the area from the Basin Reserve up Adelaide Road, All of Riddiford St (pass the Hospital), all of Mansfield Street, All of Roy Street and and 200 mtrs pass the Zoo and
 - c) being all side streets off those streets within a zone of 500 metres
 - d) have the Mayor & Councillors do this before the 7th March 2010 (being the Newtown Festival).
 - e) request the Police to bring into force a law having:
....being drunk in a public street/place an offence
 - f) Have the Health & Police authorities revise their policy positions in regards "No Problem" reports in regards Booze Licenses
 - g) have the Health Authority establish a Wet Hostel in the CBD
-

3

Suggestion:

Maybe some officers could consider it.

Booze Ban.

To have a city wide ban is a stupid idea

Make it area by area, but have a zone from the foreshore (that white folk don't own) inland by 500 mtrs.

The Police are coping out to support such an idea of total city ban.

Consider

So some person lets call him Andy is in Karori and gets out of his car after going to the local gambling den and pub and has had a few, but still under the limit, so he waddles by the Karori Library and a local woman Dame Leonie sees him and phones the police on 111. A police car is dispatched as it is Karori and the fight is all on. Meantime in Newlands a woman is busted over by 3 local hoods but even tho Ms Penny phones 111, the police don't show up for 20 minutes as they are dealing with too many drunk in street charges!

Well, its all a matter of allocation of resources, isn't it.

Also Brian & Mrs Brown go to Island Bay beach with their 6 children as they have for 20 years on a picnic and have 2 bottles of beer. But Mrs Brown has a fit and Raymond who is close by thinks she is boozed so calls the police who respond immediately from their crowd rounds in Berhampore and arrest her for being in a booze ban area.

See right.

The simple solution is that the Police must bring back on the law books being drunk in a (any) public place is a police offence. If the Police can't cope with 52 persons known to the Council as being the same displaced persons from Aro Valley, into Glover Park, into Cuba St, then home to Newtown, well how then are the Police and Council going to cope with New Zealand being drunk for a month during the famous rugby World Cup in 2011?

When even this group is identified as being only 8, and again all the state authorities at a meeting in Newtown didn't want to talk about them, but then did for 2 hours with Engagement Director Walker in the chair, she invited those present, so Tony and Sam were referred to as needing 'better case management' so now they have been sorted...

See right!

ALSO:

The WCC show responsible leadership and put in place a liquor ban as it is now, but include option 2, including Berhampore, Mt Cook, Berhampore,

and also

Wilbirnie, Kelban, Miramar, Karori, Tawa/Johnsonville

out:blank

Kilbirnie, Kelban, Miramar, Karori, Tawa/Johnsonville
Thorndon (bad drunks over there) & Brooklyn.

The point is that all areas should be banned, BUT

4

BUT leave the beaches alone, and some parks, like the Bot
Gardens in Summer. Oriental Bay would have to stay banned,
as the crowd there are really bad, with a recent murder,
dogs on the beach, some fellow running naked in the sand,
some homes leaking, bikes rider racers causing problems,
turds being found on the beach, boy racers at night....etc

If Council Officers, being those earning \$50k or less who get a
recommendation from me to get a wage increase of 4%, but those officers
earning \$100,000-00 or more can go on notice, in particular the CEO
can resign as his performance has taken the city into amazing debt,
well, as these officers sorted out the complexities of the Dog Licensings
by laws, area by area, street by street, park by park, breed by breed,
owner by owner, then lets get the same officers onto the booze problem.

Well, anyway, its not my problem. But just a suggestion.

(5)

BAB

Bernard Against Booze.

In early Jan 2008 because my observations of the communities I associate with throughout NZ I felt I had a responsibility and social concern to address the issue of too much booze being drunk.

Together with others I formed a group of like minded persons and held regular meetings and then became an advocate over the range of matters associated with the problem.

This group is based in Newtown, Wellington, but has members throughout NZ. The group identified other groups forming in NZ, and choose to join in with them, but also stay separate.

The group developed three separate sub committees being:

BAB	Philosophy, Policy & Action
TIN DO	Try it Now...Dry Out
Confi	

- 1) BAB addressed :
- a) The Liquor Licensing laws and the lodging of objections to booze licenses
 - b) raising the issue of booze within the community of Newtown & Wellington
 - c) discussions on Radio talk back
 - d) Discussions on "Finding Value" Radio Access (2weekly Sat 9:30am radio show: Mike D & B)
 - e) submissions to Sir Geoff Palmer's Law Commission
 - f) submissions to the Wellington City Council
 - g) networking with Councillors
 - h) networking with Politicians
 - i) networking with GALA

- 2) TIN DO addressed:

Assisting persons within Wellington Communities to resolve their addictions with booze.
Establishing a 'Wet Hostel' in Newtown

- 3) Confi: Confidential

List of Teams & Support members
Finance



BAB

Philosophy, Policy & Action.

1) Philosophy:

The group wants society to have balance and moderation in the use of alcohol. That people enjoy a drink, but be responsible to wards oneself, and all others.

2) Policy

That: BAB take action on all fronts possible to have the matter of too much boozing discussed, debated, and resolved to provide a better future

3) Action: Positive Action be taken within local communities, the City and within New Zealand.

All Positive Action be lawful, both internally and externally of organisations.

That media contacts be developed

That Local Body and Central Govt politicians be networked

That Health, Mental Health, Churches, Social Agencies be networked to achieve the Philosophy

BAB

⑦

Positive Action Taken:

1) Objections to Liquor Licenses received by the Licensing Agency of the Wellington City Council.

In September 2009 Mr O'Shaughnessy commenced objections to persons seeking the renewal of On & Off Licenses, and new applications. In one particular case he appealed to the State Licensing Authority in the matter of O'Shaughnessy vs Newtown New World which has now become case law.

His original application, and some of the pages of his appeal, together with the Judgement from the Judge of the 13 January 2010 is attached. This case shows some of the defects in the present Sale of Liquor Act 1989, but also is a pointer for the new legislation that will be brought in by a Government of the future.

The question is, that if society has not been able to address successfully the objects of the 1989 Act, then the WCCBooze Agency will have a very difficult time addressing and having compliance with the draft pre amble of the new act.

The case law established with this case has a major impact on the distribution, and marketing of booze in supermarkets. The Judge said:

Foodstuffs must look at marketing their booze conservatively, and not aggressively.

That loss trading must not be allowed.

That single bottles of booze must not be sold

That a supermarket must bring down (in) a management plan with the community as to their booze sales.

A number of other booze license objections have been lodged by me, and will be, until such time as the WCC adopts realistic policies as to handle too much booze in public places, rather than encourage it.

To have 712 booze licenses granted by the Mayor and Gary Poole in 2008/09 is 400 licenses to many. The council should have a Cap on Licenses, like pokie machines, like dog licenses, like leaky homes, like road speed, like swimming pools, its really a matter of philosophy, but how can any person on Council, and in Council, be accepting to what happens every Thurs to Sunday night in Courtney Place between 9pm and 5am the next day?

A kit has been prepared and is now being used around NZ by concerned persons and tutored by BAB, to assist other losing Councils.

2) The issue of Booze within the Newtown Community.

BAB has been active in a number of Resident and Ratepayers Associations' across Wellington. Opposing the stupid suggestion of a wet hostel in Ribble St, Island Bay.

BAB also pushed Newtown Business and Ratepayers Associations on the complete matter of Safety, drunks in the street, bad publicity, and law resources needed in vibrant Newtown.

BAB proposed the original motion at a Newtown public meeting to call for a Newtown Liquor Ban (Copy Attached). BAB supported this to include Mt Cook & Berhampore when it went before Council.

3) BAB is involved with a network of persons responding regularly on all talkback radio shows, who are working with an agenda on social, political and economic matters in NZ.

4) Radio Access "Finding Value" 9:30am Saturdays 2 weekly. Together with Mike Dunningham BAB links to 3 above. Also in particular regarding matters of Community and the failure of the WCC towards its ratepayers

5) Submissions were made by BAB to Sir Geoff Palmer's Law Commission

about:blank

4/05/2010

5) Submissions were made by BAB to Sir Geoff Palmer's Law Commission on the Booze culture of NZ.

BAB made an individual submission
BAB made a joint submission

Both those submissions simple said:
"take the booze licenses off the Major Supermarket chains"

BAB also attended, supported and worked with representatives of the Indian Community, in support of 1800 Corner Dairy Shop Owners in NZ as only .3% of \$5 billion was sold in booze in 08/09 in corner shops, so that is a racist attack on Indian Corner Dairy Shop Owners by the giant supermarkets. BAB supported Neil Patel of Willis Street in regards that matter, and will continue to do so.

BAB has met with Sir Geoff Palmer 7 times in late 09 and into 2010. BAB does not agreed to all of his recommendations, and has suggested he hand in his title in disgrace, as he was the author of the Sale of Liquor Act 1989, which has proved to be sheer madness.

6) BAB has made written & oral submissions to the WCC.

7) BAB has networked positively with forward thinking vibrant concerned Councillors on these issues.

8) BAB has networked positively with politicians of all the parties on these issues.

9) BAB has actively supported GALA (Group Against Liquor Advertising) and will continue to do so. In the Chamber, in the House, and in the communities of New Zealand.

8

9

TIN DO (Try It Now Dry Out)

In March 2008 BAB set up TIN DO.
Its a wet hostel and operated out of Newtown Park Mews
in Mansfield Street, Newtown.

In seeing that a failure of the State and Local Authorities locally was taking
place in meeting the urgent needs of persons with booze addictions who were
falling through the cracks, TIN DO was set up.

Newtown is a community, but it has many Regional and NZ based
needs within its area, but it is under resourced and under recognised.

In receiving any request, or referral TIN DO could immediately:

- a) provide safe shelter
- b) provide food, clothing, bedding
- c) provide emotional support.

TIN DO responded 24/7 and could absorb any individual or a family
of 6 with ease.

TIN DO then provided on going support for any person in need, assisting
individuals to access other state or local agencies, or churches.

State & Local Authority agencies operate 'inside out'. That is these agencies, which are trying their utmost in the
oncoming wave of difficulties, operate in
set programmes, but at times are not holistic, nor able to respond across
the multi needs of a family with urgency.

Whereas TIN DO, has operated "Outside in."

That is: TIN DO has been operating with great flexibility, drawing on the collective ability of its support teams who all
contribute to the max
to assist the client. TIN DO's core team has always been able to respond to
an individuals needs, by accessing the need and mixing and matching the
resources.

TIN DO has had successes, and failures, and has played a part within the
community. BAB has now put TIN DO into recess in March 2010, as the
WCC Housing upgrade programme has dismembered this network.

10

TIN DO:

Summary of Cases Managed 2009.

Assisted in Year:

Women 5

Men 16

(Children involved: 14)

Examples: Update of page 18 submitted to Authority Oct 2009.

Case A: Ian has now successfully addressed his addiction. Gained a job, moved to Lower Hutt, brought a car, and is supported in his new life.

Case B: Anto Rush: Anyone want him. He is still failing. On Newtown Streets drunk most days.

Case C: Sam is making it. Still has daughter and stability

Case D: Sarah still needs support: Is Sally Army up for it?

Case E: John successfully dried out.

Case F: Di & Alan have dried out, moved to Matamata, new jobs, home, Sally Army support

Case G: 2008 Cases: 15 cases: 8 still dry, 3 slipped, 4 off the books

Case H: Richard Wallace, a pest to Newtown Businesses. Shifted to Auckland, still needs support, maybe Tom White could treat him holistically?

Case I: Man now aged 80, dried out, stopped smoking, wife died late 2009. You know him as Sir Michael Fowler, I just knew Barbara closer, and Mike was always drunk!

Do you want to know more?

Well, I have been writing the case notes for 3 years.

I am publishing a book on how all Govt has failed us.

Perhaps it is time for the WCC, Mental Health, Health and all the other state and local agencies to do something together and stop buck passing.

Your problem now, not TIN DOs!

LIST OF ATTACHMENTS.

- 1) Application to the Liquor Authority on Appeal Pages 12 → 29
- 2) Decision of the Judge (13 Jan 2010) Pages 30 → 36
- 3) Pages 18 & 19 of submission to the Authority
(Describing persons assisted by TIN DO). 37 - 38
- 4) Objection to Westpac Stadium Booze License 39 - 44
- 5) Alcohol Causes Violence - Agenda 23 March 2010 45 - 48
- 6) Objection to Temperance Booze Barn 49 - 56
- 7) Dompost 6 Jan 2010: 1 in 10 Licensees caught selling booze to minors Pg 48
- 8) Police comments of Human Resource Defects 57 - 58
- 9) Delegation or foolishness by WCC 59 - 60
- 10) Submission by Retailer: Suresh Dayal 61 - 62
- 11) Page 68: To the authority - 63
- 12) 2 letters to WCC — 64. 66
- 13) Objection to WCC re Bluebridge MV - 68 - 76
- 14) Letter to Booze Authority dated 12 April 2010 77 - 80

AGAINST NEW WORLD
NEWTOWN

(1)

Alternative proposal for Licensing Authority to Consider:

As an alternative to my request to grant my objection to have the renewal of Newtown New World Liquor License not allowed I propose the following options:

Oct 2009.

That if a grant of the license is allowed the following modifications be considered:

Att. .1

- 1) That all liquor sold in this store immediately be sited in its designated site where the 'foreign' foods are now located OR
- 2) That liquor be sited where the main bread sale area is and be closed off by a wall, OR
- 3) That booze be placed out the back as there is plenty of room in an adjacent storage area that could with ease become a 'stand alone room'
- 4) That that hours of sale of booze be reduced to
Between 1pm and 7pm on each of the following days
Tuesday to Saturday
- 5) That a staff licensed supervisor be in attendance in such a designated area at all time
- 6) that children not be allowed into such an area
- 7) that a trained supervisor/security person be in attendance at the ENTRANCE OF THE STORE at all times to assess that any person who appears to be intoxicated not be allowed entry
- 8) that all staff employed at New World Newtown attend a one day....."work in the Community"....day as like just held by the banks, and that such staff work across the road as volunteers at the City Mission Soup/lunch kitchen, AA Hope Centre to see what their booze product causes
- 9) That all New World NewTown staff attend a one day course at the Marae in Island Bay
- 10) That The management of New World Newtown employ staff that reflect on the local community in so far as the multi cultural mix of the community goes
- 11) That Gary Barker resign as he is non suitable to hold a booze license
- 12) That the Management staff and supervisors speak English/kiwi at all times as required in the Thorndon New World Supermarket

The next closest major police station is in Kilbirnie. This station is also close to Newtown and often has to deal with problems associated with this supermarket.

You see, where this "no problem" police report comes from is Sgt Jason Thurston of Wellington Central Police Station, that is way down in the CBD area, some 20 minutes away from Newtown on the number 10 'Gone Wellington' bus not through Manners Mall, or 35 minutes by car, or sometimes 10 minutes by Police Car.

Well, I know that Jason is an expert on booze (I have spent many social times drunk in police canteens) but even tho I know he knows of the problems in Newtown once again even he is tied by his Seniors hands?

You know the Police, as in THE POLICE National Office made a major submission to the Sir Geoffery Palmer's sham of a Law Commission report. And the police pointed out a number of matters, clearly saying they wanted more resources, and also wanted local authorities to issue 'booze infringement notices'. Wellington City Council has run a country mile from that idea! And this Sgt Thurston has been busy with 'police stings' on corner dairies owned by Indian Shop Owners, yet the drink sold via corner foodmarkets is only .3% of the booze trade. And that \$3.2 billion dollars is sold via the big food markets (quote Sir Geoff). It is the big supermarkets, like Newtown New World that are a major cause of the booze problems in New Zealand.

The Police say that 31% of all crimes are committed whilst under the influence of booze, then there is the Drunks in Cars, Drunks involved in Domestic violence, drunks involved in children deaths, drunks involved in ACC statistics, drunks involved in shaming the status of the All Blacks, drunks involved in sexual assaults, so as here in Newtown clearly we have our percentage share of all these statistics, and New World New ^{World} has clearly gained much market share in the booze trade, so they can address the social disorder caused by their product.

My two points here are that;

- a) the District Licensing Agency did NOT comply with Sect 43 (1) (a) and
- b) the Police reporting in this case is inadequate

THE HEALTH REPORT (page 7)

The Health report shows no problem. Get real! This 'no problem' Health report is written by one Pam smith who signs herself off as "FOR THE MEDICAL OFFICER OF HEALTH. She is of the District Health Board of the Hutt Valley.

She of course doesn't work in close proximity of Newtown New world so has no idea at all as to the real problems associated with their trade. In the submissions to Sir Geoff Palmers report a Doctor Paul Quiqley who is one of the Senior Medical Specialists at Wellington Regional Hospital A & E Dept in Newtown some 10 minutes away from said premises of Newtown New World, he submitted a major report, and actually contributed to the publication on pages 77 to 78 (even a great photo of him).

This wonderful Doctor has also been on the radio, discussing the terrible situation of persons who 'present' themselves at the A & E Dept, particularly on the Thur/Fri,Sat/Sun nights, whereby the resources of the A & E are tied up by people who have been boozing.

He has also been assisting in trying to get a 'Wet Hostel' established in Island Bay, Wellington, yet the WCC and even his own Health Board haven't handled the matter with wisdom and prudence, even the Local Mayor of WCC Penny Pendergasht botched that issue which shows how stupid she is. I support Dr Quiqley in his efforts, just that the Wet Hostel should be in one of two other areas, being either Newtown/Kilbirnie, or the CBD.

This Dr Quiqley also even attended a public meeting of the Island Bay Resident's Association meeting and spoke at length before a crowd of 170 persons to put forwards the evils of booze. So how come in one end of the Regional Hospital at a senior level the booze is considered to be a terrible matter, yet a low level officer of the same organisation, who is far removed from the pit face than poor Dr Quiqley faces each day, can say there is "no problem".

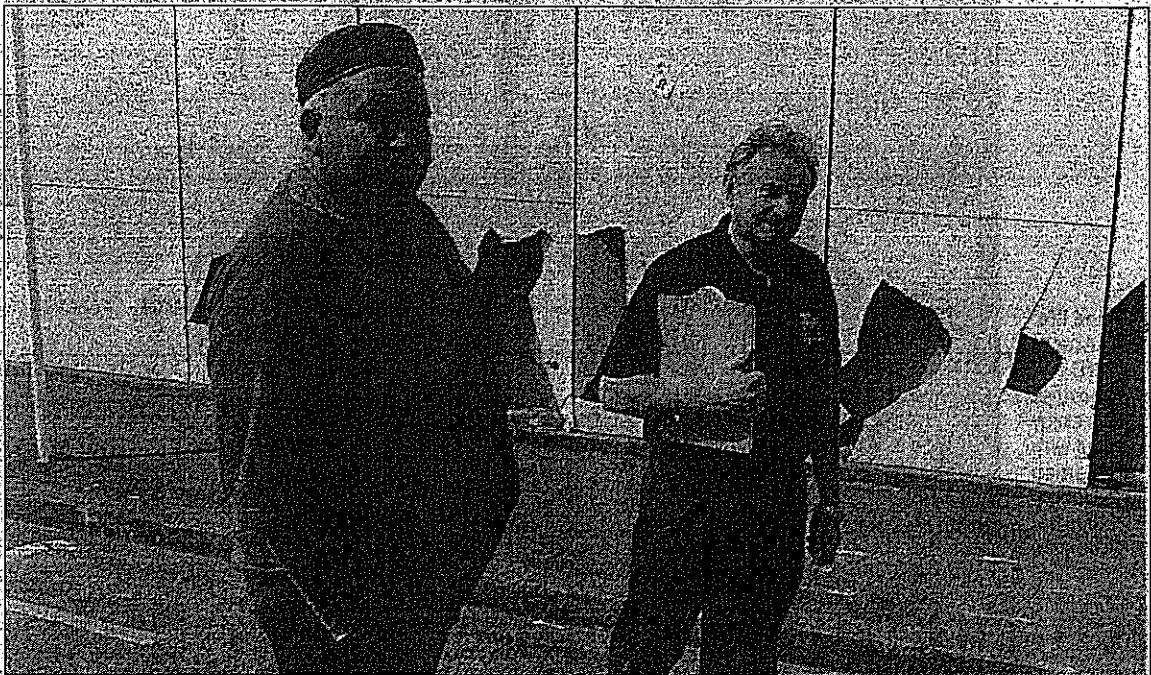
I reject the Police and Health reports.

(The local ones)

5 (13)

FAMOUS
MAN

Vandals strike in Newtown



Not again: Denis O'Reilly, left, and Trevor Davies of Arlington Motors inspect the damage vandals made to the wall between their business and the Newtown Caltex service station. Chevron, which owns

Caltex, erected the wall to protect neighbours from the noise made by the car wash. Chevron public affairs manager Sharon Buckland said staff from Chevron's property maintenance team has inspected

the damage, and would repair it soon. "It's just local vandals who have kicked in the wall and neighbours want it repaired. The damage is not visible from the road or from the service station.

8 (14)

New World Newtown: Designated Floor Area

In terms of Newtown New World when they obtained their booze License the area as DESIGNATED is totally different as to where it is sighted today.

The original plans show that one walks in the door, around through the veg ables area and into a first isle over to get the booze. This designated area then was some 25 metres away from the front door, and in a side area where most persons wouldn't go, other than to purchase booze. Children wouldn't certainly venture into that area by themselves.

But today, and for some years now immediately one walks in the door the customer is confronted by a huge display of booze, as well as all children have to walk through this area, how convenient it is that the LOLLIES for children are located here, along with health dried fruit, so that people can linger and buy dried fruit, then be induced into buying booze.

The booze is some 7 selves high of bottles, then some 10 mtrs long, that is on two sides of the entrance way, then there is a middle display of some 1.8mtrs wide and 7 mtrs long, stacked with wine some 4 to 5 bottles high. Then as one steps further past this display there is a display of beer that is 10 mtrs long and 2.5 mtrs high.

I estimate there is some 36000 thousand bottles of wine on display at any one time. This would be carrying a stock of some \$54000 - 00 daily and with daily top ups by thug staff. I believe their sale of booze to the public is more than \$1.3 million per year pumped out at this small community.

Of course around all this display is all the regular strong bright big lettered posters to entice the customer to.....buy.....buy.....! The prices change daily and regularly up and down.....some at loss trading prices!

The booze is immediately in the door so it is the first thing the customer is greeted with. This is where the booze is brought before the groceries. This is inducement by the store owners and is a MAJOR issue in Newtown.

Everyone I speak with, and where ever I am at meetings this aspect of the booze in New World Newtown is mentioned as being totally over the top.

The booze did NOT use to be immediately in the door. It use to be in its designated space. They have changed it without The District Licensing Agency approval, nor with a re designation notice as required. But the inspectors have not challenged them on this matter either.

This is illegal. Therefore the License must be cancelled.

When one used to walk in the door, prior to the Sale of Liquor Act 89 of course there was no booze for sale at all. Their front area was a great fruit & Veg area and with the staff they had it was high class, well presented, had staff in attendance who were willing to help. They were held in high regard by their customers.

Later, after they got their booze license matters changed. The booze was at first around the corner from the vegs, but still a lovely old Chinese lady greeted everyone at the door, as one walked pass the flowers and plants.

But she left, New World got in Gary Barker, and the booze was shifted to the front door, the fruit & vegs were of a poor quality and staff were and are non communicative, scruffy, always in the way of customers, aren't willing to help, nor able to understand customers needs, and thugs.

10. (15)

To the Authority:

I have objected to the booze license re newal at Newtown New World and one of my major objections is the thuggery committed and encouraged by the Management of New World Newtown, in particular the behaviour and attitude of Gary Baker.

Under the Sale of Liquor Act 1989 in sect 45 (a) and (c) Gary and some of his staff are not suitable to be a licensee and the manner in which they sell and supply their booze is unlawful.

In particular I state to this Authority the details of the following cases:

(Names are deleted and held for right of privacy, except as allowed and authorised by those persons who have given me the right of disclosure to the Authority if so needed.)

CASE A

On the 9th of September 2009, a young man, who had been drinking a little, went into New World Newtown to purchase some booze. Because of his stupidity he got into a heated discussion with a supervisor and ran out the door.

He was chased by some thug staff of New World, caught in the street and then given a severe BEATING.

He was then arrested by the police and charged with the intention to intimidate Wasin Talim by threat.

He went to court and was Discharged. he was discharged because the Court acknowledge the beating he received by the New World shop attendants staff was outrageous.

The summons relating to this case is attached.

CASE B

See the reference attached regarding:

"The Other Night in Newtown." This relates to a similar incident. a man was beaten up by the New World staff.

CASE C.

A 59 year old sick little man goes in to buy wine on the 17 April 2009, he gets his groceries, gets a wine bottle for \$6-99. He takes his wallet out at the counter to pay, he is told that he is drunk so cannot get the wine, and heated discussion develops, a fight develops, he is beaten up by 5 New World staff, captured on video. He gets charged with common assault, so pleads guilty if the staff plead guilty as well. They break his \$750 - 00 glasses, give him a black eye, kick him over in front of in dependant witnesses, one who is a lawyer.

The Judge in Court recognises the beating the little man has had, so gives him 60 hours community service as a sentence. The New World Staff are still being prosecuted for the ugly beating.

CASE D

On the 30 November 2009, a young woman on invalid's benefit, who has emotional and hearing problems, is silly and takes some wine from New World Newtown, and goes outside to get her money from the car, but is chased by two

Newtown, and goes outside to get her money from the car, but is chased by two New World Newtown staff and at 5:15pm, in the main street is tripped up, given a black eye, kicked in the head and on other parts of her body. She is taken by the Police but released.

The two staff who beat her in front of many shocked people on the street, are now charged with assault after being arrested. The Judge will decide on that case in the near future.

These cases are but 4 of the many cases that the Police know of, of where the Management of New World Newtown have encouraged and taught their staff to be active as rough street police who chase, beat, kick, punch and assault customers in the belief that they are immune to the law.

The Police have had a number of discussions with the management of New World regarding these and many many other incidents but the awful situation persists.

This means these staff and management persons on New World Newtown consider themselves to be the Law, and above the Law, and I say they are not suitable to hold a Liquor License, nor sell booze.

17
43.



- Wellington.scoop.co.nz - <http://wellington.scoop.co.nz> -

The other night in Newtown

Posted By [lindsay](#) On October 14, 2009 @ 11:59 am In [Article](#), [Column](#), [Opinion](#) | [2 Comments](#)

Wellington.Scoop
by *Lindsay Shelton*

The other night in Riddiford Street I watched as staff from the Newtown New World supermarket chased and caught a man who'd stolen a bottle of wine. They held him down and called the police. The thief held out his hands ready for the handcuffs.

I thought of this today when I read that Judith Aitken is suggesting the District Health Board should refuse to accept "blood money" in the form of donations from supermarket chains "which are flooding the market with cheap liquor."

After a Board meeting, she said that supermarkets are peddling a Class B drug, when hospital emergency departments are struggling with increasing numbers of drunks.

When the police had arrested the thief, I went into New World for some late-night shopping. You enter through an overpowering display of alcohol. Beer to the left. Wine to the right. Every shopper has to walk through the beer and wine before getting to anything else.

Newtown's New World has a different layout to some of the city's other stores with the same brand. When you walk into the Island Bay supermarket, you are surrounded by fresh fruit and vegetables. (The wine and beer is at the far end, alongside the bread.) The New World at Waitangi Park also places its fruit and vegetable section in the prime position when you enter the store. So does New World at Thorndon, and Pak N Save in Kilbirnie.

The Willis Street New World has a different idea. It places its bargain wine bottles alongside the queues waiting to pay for their purchases.

Moore Wilsons does things best. Its impressive liquor section is in a separate shop, away from the two food sections.

Then there's Wellington Airport, where the last substantial public space has been turned into an open-plan liquor store - the north end of the terminal is now occupied by a supermarket for alcohol of all kinds. And I'm not just talking about wine.

What an awful environment. While you wait to enter the international departures area, the kids can play in a liquor store.

I read that the Alcohol Advisory Council wants the Sale of Liquor Act toughened up to include more regulations for off-licenses including supermarkets. The poor example of Wellington Airport suggests that ALAC should add airports to its list as well.

Read also

[Young people most harmed by alcohol](#) ^[1]

Article printed from Wellington.scoop.co.nz: <http://wellington.scoop.co.nz>

URL to article: <http://wellington.scoop.co.nz/?p=13879>

URLs in this post:

[1] Young people most harmed by alcohol: <http://www.scoop.co.nz/stories/GE0910/S00059.htm>

[REDACTED]

Comments to the Liquor Licensing Authority for
Consideration in Respect to my Submission

I have read the report of the "Licensing Control Commission"
for the year ended the 31 March 1988.

I invite this Authority now in 2009 to reflect on that.

Page 4...E 8 refers:

At the Australasian Liquor Licensing Authorities Conference in Darwin, South Australia sought comment on "what seems an increasing belief in legislators that the market place will ensure that health, fire and safety standards are maintained in licensed premises, a belief that the public appear not to endorse."

A fair summary of delegates' reaction to the suggestion would be that it was greeted with such scepticism as to barely warrant discussion.

Here now today, we must surely hear those hollowed words of warning some 20 years later that the market place has run away with the well being of the Australian and New Zealand societies with this drink/food product called booze.

I also note the Report of This Liquor Licensing Authority for
the 12 months ended 30 June 2009.

2.1 (page 2)The Authority reflects on another busy year and states applications before you rose by 27%....and that....For a fifth year in a row the number of application for suspension and cancellation rose by 20%.

2.4 Looks like the Authority perceives that as Licences will be more difficult to obtain in the future then there is a rush for the golden booze licenses now?

2.5 The authority states..."The level of public debate and general interest in the workings of the Act, have made the year very interesting.... and that ..."We have set out our expectations about convenience stores being ineligible to hold an off-license."

This means that more that 1500 Indian owned corner stores will be financially ruined...yet their combined income-form this product is less than .3% of the booze sales industry. I support the continuation of Liquor Licenses to small owned/operator shops! The big booze sellers in the mainstream food supermarkets like in Newtown New world, Wellington amount for more than \$3.2 billion around the country.

In 2.5 I note also that The Warehouse got a bad shock so bugged off. But we still await with interest how the two major supermarket chains (being the only suppliers of food and booze in New Zealand) have and will react further to criticism by undertaking not to market booze as a "loss-leader".

3. (page 3). The Working of the Act.

What astounds me is that this Authority concludes in 3.1 that as Sir Geoff is running around having his public meetings, yet in private, then this Authority sees little point in addressing the working of the Act!

But I note you have had one private meeting with Sir Geoff and are due to have another one. And you find that there "are no urgent concerns about the way the Act is currently being applied and administered!...

and that...."despite the level of apparent disquiet we believe that the current Act is working
-----"

about:blank

20 (19)
[REDACTED]

reasonably well."

and that.... "In our view it could not be said that the system of control over the sale of liquor to the public in this country, is an unreasonable one."

Well...my view is somewhat different.

I think the 1989 sale of Liquor Act has been a disgrace to the lawmakers, and has been poorly administered in terms of the variances that now exist in NZ and in New Town Wellington.

Persons who administer the law, such as this Authority and the Licensing Agencies have given little focus on the Object of the Act. If you cannot see any short comings and urgent concerns that the persons who made submissions to Sir Geoff's done report, nor TV, Radio, New Media and the social services agencies of the Police, CYPS, Justice, Health, nor the 300 doctors and nurses who have now made public opposition about the booze problem, (Copy included) nor the constant stream of Drunks in cars, drunks in street, drunks at Hospitals, drunks in crime, drunks in violence, drunks in killing of babies, drunks in Parliament, drunks in sports...then I will eat my hat, and escort the authority down to the Blind Institute in Newtown.

*A

I think the Sale of Liquor Act 1989, and the administration of that, has esclatated and grown the problem within our culture, and that it has been fostered by the vested interests of big business, politicians and scumbags.

I think, as I submitted to Sir Geoff, that one simple easy step would be to take the Booze licences off the Big supermarket chains. Before this 1989 Booze Act supermarkets did not sell booze, we still had booze problems, but now we have three times the amount of problems.

I do not understand how this Authority could not address nor seek to make a public submission of the ramifications, implications and practise of this bad law. Has the, or would this Authority consider spending some time in the A& E Dept of the Wellington Regional Hospital in Newtown. Prehaps a trip down Courtney Place with a Police squad at 1am on a Sat/Sun. Prehaps a trip to New Town New World

to observe the CBD Drunks that have been herded their by Mare Prendergast, and the youths who buy all the cheap booze from Gary Barker and his thugs.

I would have expected this Authority to have some depth of wisdom, to take the opportunity of the moment, to use its position to provide some leadership and vision for persons who live in New Town and just get wasted on the booze product sold by New World.

20
21

To the Licensing Authority:

I submit and refer to the following papers, books, and articles for the authority to take into account.

I have endeavoured to provide copies of these for the Authority but in an amazing world of new technology a number of these publications are not available, out of print, were never available even tho they were advertised as being for public information, or simply with -held by organisations to obstruct me. I know the Authority will have some of these documents and publication, hence I assume all Authority members will have knowledge of them.

1) Sir Geoffrey Palmer's Law Commission "Alcohol in Our Lives - An Issues Paper. Publication pages 1 to 279. By the time Sir Geoff arrived in Wellington for his road show Public 10 minute submissions this publication was not available. Neither was it available from his Law Commission Office, or in local libraries. In spite of many requests this public publication was unavailable. I have one copy - I am sure the Authority has one.

I make reference to the following pages in particular:

Page 78. Dr Paul Quigley, a Medical specialist who works at Wellington Regional Hospital, which is less than 500 mtrs from the offending of New World Newtown Booze Supermarket, "said premises" of my subject application for objection, writes and submits totally about the effects of booze he encounters in his daily job at the A & E Department. Clearly a high percentage of booze effected persons present themselves at this hospital, from the local area, and region.



Page 143: & 222. Criticism is made of the poor aspects of the application of the Sale of Liquor Act 89 by District Licensing Agencies!

Page 195: It is suggested infringement notices be given out by local body officers when a drunk is encountered....year right! WCC has rejected this notion. What a great idea, but no one wants to issue the notices, try giving a "bad person drunk" notice to a drunk!

Page 227. Car crashes with booze being a factor:

In Australia	21%
In UK	17%

But good old New Zealand has a big 30%.
Good old Kiwis...leading the way with pineapple lumps, boozing and killing ourselves on the road!

Actually, within this submission, I was going to make more references to the issue of Sir Geoffrey Palmer's Issues paper, and to its direct relationship % wise to the events in Newtown caused by the booze pumped out by New World.....but in having read the report several times, and I know this Authority has as well, I gave up as the book is depressing, alarming, sad, awful, a horror book about New Zealand, its people, its past and its future unless we can change it. The book makes me cry.

I therefore say to this Authority that this book is direct and unrefutable evidence of the results of booze in Newtown, caused in no small way by New World. They carry the % of the blame of this book, prove me otherwise?

2) Sir Geoffrey Palmer's Law Commission Summary of the Issues report of recommendations: Pages 1 to 14 .

Also out of print and not available. I am sure the Authority has copies and has read it. The summary has hopeful recommendations, but does not go far enough. Sir Geoff steps right around the the issues of Broadcasting Standards in regards booze messages on TV, Radio and Newspapers, instead suggesting they can be self policing. That is outrageous.

I have included a copy of standards required for radio, and the restrictions on booze advertising are strong, but clearly flouted. I have commenced myself and with a friend a radio programme on a popular local radio show. We have to comply with the standards...but do others!
....Called "Finding Value" on Radio Access, Wellington

(21)

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- 3) Report of the Licensing Control Commission for the year ended 31 March 1988.
Only available from This Authority. Not available at the Ministry of Justice Head Office. Pages 1 to 19. Ref particularly pages 4 & 8. (See the quote by Sally Dawn...pg 5...3rd parag.).
- 4) Report of the Liquor Licensing Authority for the 12 months ended 30 June 2009.
Only available at this Authority. Ministry of Justice Head Office had no copies. Pages 1 to 5. I refer to pages 2 & 3. Pargs 2.1, 2.3, 2.4, 2.5, 3, 3.1, 4.1.
- 5) Annual Report of the Wellington District Licensing Agency 2008/09.
Pages 1 to 35. Ref pages 4, 7 to 11, especially 12 to 15.
- 6) Wellington City Council Agenda Documents submitted to the Strategy & Policy Committee (Which is there highest strongest Council Committee....report 2 (1215/52 (IM) dated 15 October 09 .Pages 32 - 71.)
Not available yet suppose to be a public document available in Libraries and from their Council Democratic Services, but yet still NOT available. I have photocopied some pages for the Authority but request this Authority to seek the whole report in evidence.
- 7) War Cry. Publication/issue 6478 of 24 October 2009.
Pages 5 to 8. This reflects the identification of booze issues as seen by Salvation Army I submit some copies. Others are Not available from the Army. Its funny how anything to do with booze in this country in regards publication is not available. Small print runs are done of publications, and publications are only made available INTERNALLY within organisations, or the PUBLIC simply cannot access them. That's stupid but a restriction of information, yet the publications of 'booze fo sale' flows easy!
- 8) Policy Doc "In Touch with New Zealand", issued by Social Policy and Parliamentary Unit of the Salvation Army, Oct/Nov, Vol 73. Pages 1 to 6. This lists on page 2 that a report by BERL identified huge social costs of booze as being \$5.7 billion dollars in NZ. Publication not available. Photocopy submitted herein.
- 9) Submission by Suresh Dayal, Retailer Owner of Haitaitai, Wellington against supermarkets like New World Newtown selling booze. Dated 7 Sept 09 to Sir Geoffrey Palmer.

320 Mansfield St
Apt 239.
Newtown Mews
Newtown
Wellington
Thursday

Dear Liquor Licensing Authority

Attention: Allan Bird

Re: Decision 049/217/2009
An Application by GARBAK ENTERPRISES LTD
for the Renewal of a Off-Licence in Newtown, Wellington

I hereby give notice today that I appeal under section 137 (1) of the Sale of Liquor Act 1989 to the renewal of an Off License being granted to New World of Newtown.

I do state my grounds.

1) information is contained in the papers submitted to the Liquor Licensing Agency.
You willl no doubt refer to those.

<http://nz.mc271.mail.yahoo.com/mc/showMessage?sMid=2&fid=Sent&filterBy...> 5/10/2009

2) I add the further information in addition to that:

a) in terms of section 42 (1)

I do have a greater interest in the application than the public generally because:

* I live up the road from New World Newtown and it takes me 7mins and 35secs to walk home.

* I have shopped at New World Newtown for more than 37 years.

* I have gone to the Chemist shop, the lotto shop, the 1/2/3 dollar shop, and the food shop in the Newtown Mall for more than 30 years. I have shopped at Mc Donalds across the road for more than 35 years.

I have shopped at the junk shop on the corner for decades, I have taken IHC people to the Catholic Biscuit making factory for the 'body of Christ biscuits' above the junk shop, when I was a Community Supervisor of Stoke St IHC home.

* The last 2 years I have walked around and around New World Newtown with a well known local Wellington artist to paint and draw pictures, and into the Mall

* because people don't know how to object as you do not advertise your services to the public

* I have worked and do work at the Wesley City Mission as a volunteer in the soup kitchen once a week

* I have connections with a large number of churches in Newtown being

- St Anne's
- St Cuthberts
- PIC
- Western Samoan Con. Church
- Salvation Army
- AA Hope Centre
- & Schools, & kindies

I have been a Primary School Teacher for over 10 years, in Particular at Newtown school, Island Bay school, and on School Boards and in the unions of PPTA/NZEI locally

* Together with a small group of persons locally we operate a "wet hostel" that is proving successful this year more so than high funded non established Health/Mental Health services who have been talking about this for more than 4 years but have no out-comes, other than the new stupid idea of putting a wet hostel into Island Bay where it won't start as the required infra-structure is not there and the local people are clearly against it. Refer to Rachele Stewart's article of the 30 Sept 2009 in City Life/Cook Straight News regarding....."Ms V...age 72, would sell if wet house was next door".

I also state to the authority on appeal that:

a) yes I am concerned with the wider implication of booze in our society as documented clearly and strongly by Sir Geoffrey Palmers Law Commission report

and suggested recommendations

b) yes I did go and see him, and showed him my art work....of a New World Newtown food trolley filled with empty booze bottles and cans from NewWorld Newtown collected in the street adjacent to the shop in question, Sir Geoff did come out with his Sec and acknowledge the trolley and the point I was making, and such art will be displayed and put on trade me, together with all my submissions to both the Liquor Licensing Agency and this Authority

c) and also copies of my submissions to him

d) and also copies of my friend's poetry that was read to Sir Geoff

e) and also copies of the submissions made by the Indian representatives I supported during their submissions to Sir Geoff, from their viewpoint that corner shop/dairies in New Zealand only represent .3% of the total of \$5billion booze trade, mostly sold via the big main food chain shops of New World, Countdown, Pak & Sav Woolworths

f) and that the law in regards the Sale of Liquor will change because of the new fresh urgency being developed at large by all communities in New Zealand, from the South (I lived in Invercargill for a year) and the North (I lived in Whangarei (with an 'H') between two marriages destroyed by the booze of the foodmarkets, and I still have continuous communication with those areas, and their opposition to the booze culture

g) but society once again is ahead of the law makers, but they will play catch up

BUT IN PARTICULAR I SAY TO THE LIQUOR AUTHORITY THAT I ADDRESS THE PARTICULAR SUBJECT PREMISES OF NEWTOWN NEW WORLD IN SAYING THAT:

a) I could never buy booze there until they got their license.

b) once some decades ago I woman had a stroke in Newtown New World, and I assisted her recovery within the store, as I have been a trained first aid person for more than 35 years

c) I assisted a store person in New world Newtown when some shelves fell down and hit the person

d) that over the years some of the shop assistant have been and still are my friends

e) that I have assisted some of the store assistants with their English, their homework, their study, their babies, their problems over many many years, with getting drivers licenses, as I am just a little old chat person, and thats what people do for the good of the community

f) that I have assisted many ill, sick, disabled persons into New World Newtown to get food and provisions

g) that imagine the money I have spent each week at say \$150 average for 35 years is that approx \$252000 -- 00

h) that I have helped hundreds of customers within New World Newtown find items

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that they can't find but I know where it is, and also tell some of the staff where items are because they don't know or don't understand, or don't care

i) that in being a gardener for more than 40 years I have helped the staff identify the flowers and plants they sell because they don't know

j) that I have helped young customers within the store on what to buy and how to cook it as some don't know how to open a bake bean tin, let alone know how to cook meat, or fish, or anything

k) that some years ago I was in love with a woman in the deli, between marriages, as so we went out for a year, that was in 2001, I think, she was beautiful

BUT IN RECENT YEARS THE WHOLE PERSPECTIVE OF NEW WORLD NEWTOWN CHANGED, PARTICULARLY AFTER GARY BAKER WAS APPOINTED.

What happened then is large numbers of customers in New world have been insulted, hissed at, threatened, punched, hit, kicked, and robbed of money in terms of false advertising, pricing, and shoddy standards.

He is not fit to be a General Manager, a Liquor License manager, or even to be in this country. Gary Baker is a scumbag. He is Gay, as we all know, and his gender choice is not a problem for all of us, his attitude is the problem, and the way he trains his staff, and pushes the booze.

Gary Baker and his staff are not Police persons, nor carry the authority under the crimes act or any act to act as such. But he and his staff all think they are police.

Now I know the Police are saying they are understaffed, and since the lost of the Police Offences Act that they cannot arrest drunks, but under the Crimes Act 61 there is still any number of sections that persons within a store, or on the street can be spoken to and moved on if their behaviour is offensive, rude language, insults, threats, violence, or generally being stink. I support the Police, as I have done since 1966 when I worked in the Magistrate's Court Taupo, then went on to have a 23 years public service career, in and out if the Justice Courts system, and the Head Office of the Ministry of Justice throughout New Zealand.

I have many friends still in the blue force.

Presently I am assisting the Police and have written to them regarding identification of some baddies, also about a month ago the Police came to my door and I helped them.

I have been a professional swim coach and have tested and encouraged Police in gaining their swimming needs, both at Kilbirnie Pool, Huia Pool and Tawa Pool.

In having been an active member of the PSA and the Labour party I always supported the Police in regards Police conditions of employment, an still do.

But the law is the law, the police have responsibility to hear complaints, investigate, then put the matter before the court. They do that with my total support. New World Gay Baker and his thug staff now are not the law.

Within the New Town community a number of people and organisations are increasing

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concerned because of the increased tension developing caused by New world. I even know of a local Minister of Religion who has been quietly trying to calm matters down. Some of the community are quietly trying to ease a developing big problem in Newtown, and New world in Newtown isn't helping with the attitude and the booze.

I think that as New Zealand voted National, but then no one saw that the NZ Maori party would take their whaka and join National for the open cheque book, but what happened was that small town New Zealand have beaten the crap out of all the low life, poor workers, single mums and single dads, unemployed, sick, disabled, and even ordinary people with kids, has meant that there is a population drift to the cities.

So as in South Auckland, and in Newtown Wellington droves of these new nomads are drifting in. Together with a massive drive by the City Councils who want to clean up the CBD areas in the major cities, then clearly policies have been adopted to create controlled liquor fun areas ready for....wait for it...yes...yes, the great 2011 World Rugby Cup. Cool. What a great strategy.

Well, I for one, and large numbers of the people I mix with over in Thorndon, Karori, Northern Wards and down the 'keep it as it is Manners Mall' simple say maybe yes, maybe no. But we need to address it as a society real quick, real fast and now. If not a number of people say to me that there will...

" be blood in the streets "

" their will be blood spill on the pavements of our cities"

" that our ...great little country concept...will be tarnished"

I have asked them what on earth does that mean. People say to me well... "don't you remember 1981....this country was at civil war" "mmm..." I reply...."but I can't remember what I had for breakfast three days ago yet I have to think back to 1981"

But I suppose a point is there somewhere.

Presently I am helping the Police with their investigation of an incident earlier this year when a chap went into New World Newtown after having 3 wines then the New World shop supervisor said he was drunk, so refused to sell any more booze, which seems ok, which is why the little old guy who is 59 pleaded guilty to common assault, but the Judge saw that it was 'just a bit of a clip...or a smack' so the sentence was that the old guy has to do 60 hours community work.

That's fair...A...but the Police are still investigating the fact that the little old guy was kicked, punched thrown on the floor, had his glasses worth \$700 smashed all by 5 New world employees, who are named in the Off Licence renewal dated 11 September 2009, because they are highly trained thugs, and play station cool young blokes who get kicks out of beating up little old men in the belief that they are 'the law'.

The embarrassment is that the Police have two independant witnesses to this incident, one being a high profile Wellington Lawyer, as well as a TV security video and so the old guys request to the police is that the thugs be prosecuted, or his solicitor, who has even a higher profile than the other lawyer, will prosecute.

What is this all to do with New World Newtown's booze license renewal.

Well, when I was 17 and worked in the Courts I use to action and even approve Liquor

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Licenses. Mmmm....so I know the system, and support public servants in not having a wage freeze, and in lots of other ways, and I understand completely the restrictions, duties and responsibilities and standards needed to oil the wheels of a society...

O well, I knew that you would all have to read this...sorry, but little old guys, teachers and me rave on...a...but it makes one think...hence my appeal. If the licence is granted then off I go to the High Court. I have worked there also.

Yours sincerely

Bernard O'Shaughnessy

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~~~~~  
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To post to this group, send email to [wellington-residents-coalition@googlegroups.com](mailto:wellington-residents-coalition@googlegroups.com)

To unsubscribe from this group, send email to [wellington-residents-coalition+unsubscribe@googlegroups.com](mailto:wellington-residents-coalition+unsubscribe@googlegroups.com)

For more options, visit this group at <http://groups.google.com/group/wellington-residents-coalition?hl=en>

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AND FURTHER

street. And Mansfield st has been around for more than 150 years. Newtown shopping centre is the most vibrant, colourful, music filled, and busy centre of all the suburbs of Wellington. Everyone loves the place, and shop keepers are happy in this recession. The CBD has been gutted by a right wing big business lead council that forgot that the 'Golden Mile' needs people, but they have chased everyone out. Even put the drunks into Newtown. But we are OK in Newtown because we accommodate all, except Gary Baker and his mountain of booze can go, and Mr Mc Donald accross will comply with the health needs of his customers before he re-builds his next shops.

and the point is:

that I lot of you would have read Sir Geoff Palmer's Law commission report and suggested recommendation.

I saw Sir Geoff, at his meet the public meetings. I saw him three times in terms of different presentation.

I am also saying to him now, in terms of further submissions, (deadline is the 30 October 2009), that in spite of me being an active Labour Party supporter for more than 30 years, his Govt's approach following Sir George Laking's report, has been tried but now must be seen as being wrong in 2009, and for the future.

Sir Geoff shoud hang his head in shame, should stop his so called public visits, call it short, give a report to the Govt, stop listening to VESTED interests, and hand in his title. If I was him I would say...."Sorry NZ, I was wrong...not I will stand aside and better people than me will address the issue".....

I also submitted to Sir Geof that one esy immediate answer in Newtown and in New Zealand is to....
TAKE THE BOOZE LICENSES OFF THE BIG SUPERMARKETS.

I support the police. The police have had big money supermarkets with profit vested interests to run away with the wellbeing and health and future of all New Zealanders. Our local Constable is a great guy, but he is run off his feet. How can he cope with the drunks that the CBD have sent him. It's not New world staff that are back up police? Damian Rapira-Davies says call 111 if it's urgent, (Cook Straight News of 2.9.09).... well people do, in Jan a man was going to punch his woman over so 2 medical people in the street phoned 111 but they didn't come, so 2 days later the woman died.

Allan in the flats phoned 111 because he thought his neighbour was dying, the police took 50 minutes to get there. So the police need extra support.

So therefore:

The Liquor Licensing Authority can consider my submissions. You will have already decided within the restrictions of the law, poor fellows, to decline my appeal, but then of course I am happy and want to go to Court.

Thanks

Yours sincerely

Bernard O'Shaughnessy
reformed Newtown New World boozier

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Decision No. *PH 006/2010*

APP
2

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an appeal by BERNARD O'SHAUGHNESSY pursuant to s.137 of the Act against a decision of the Wellington District Licensing Agency granting the renewal of an off-licence in respect of premises situated at 195 Riddiford Street, Newtown, Wellington, known as "Newtown New World"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Dr J Horn

HEARING at WELLINGTON on 15 December 2009

APPEARANCES

Mr B T S K O'Shaughnessy – appellant
Mr S R Walker – for Garbak Enterprises Limited – in opposition
Mr M J Kemp and Ms J H Burt – Wellington District Licensing Agency Inspectors – to assist
Sergeant J R Thurston – NZ Police – to assist

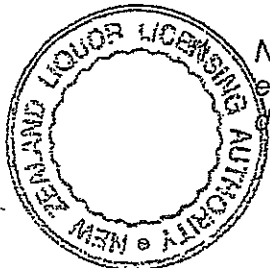
RESERVED DECISION OF THE AUTHORITY

Introduction

[1] This is an appeal brought by Bernard O'Shaughnessy against a decision of the Wellington District Licensing Agency. The Agency received an application from Garbak Enterprises Limited (hereafter called "the company") for the renewal of its off-licence in respect of premises situated in Riddiford Street in Newtown, Wellington. The company trades as a supermarket in the name of "Newtown New World" and is licensed to sell beer, wine and mead from Monday to Sunday between the hours of 7.00 am to 12.00 midnight. The licence fell due for renewal on 28 October 2009. No changes to the conditions of the licence were sought.

[2] There was no opposition to the application from either the Police or the District Licensing Agency Inspector. Public notification produced an objection from Mr O'Shaughnessy. He resides at 320 Mansfield Street in Newtown. His objection contained the following assertions:

New World in Newtown has been a major contributor to the slide into a booze enhanced society in Newtown by the display, encouragement, cut price liquor drink products, and promotion of a "Must have booze attitude to enjoyment".

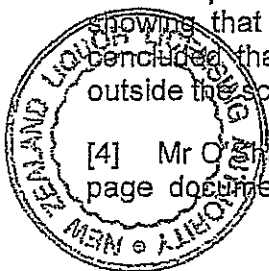


2. *New World at Newtown does supply liquor to young people aged 18 to 30 at low cost and to all persons of any age to booze and encourages customers by enticing them to purchase immediately booze as they enter the door, rather than focus on buying food for families.*
3. *New World has shown little regard to support local schools or charitable organisations.*
4. *Within the Licensing requirements of the Liquor Licensing Act 1989 a Licensee must "have the welfare of the Community" taken into consideration in being a seller of a product. I state that New World Newtown does not comply with this requirement.*
5. *New World has huge promotions of its liquor products, and the cheapness of that, by regular local and national radio, newspaper, TV advertisements and regular pamphlet letter box drops on a weekly cycle.*
6. *New World encourages drunkenness, lewdness on the street, and the local bad behaviours by its strength of liquor products in and around the whole of Newtown.*
7. *New World bulk buys and gains market share by its buying power, and sells cheap to encourages customers to booze, including the "dumping" of alien cheap booze (from Australia) onto Kiwis. Australia has wine 'lakes' and therefore dumps it onto New Zealand.*
8. *New World adds to the Drink Drive problems of New Zealand, the destruction of family and personal relationships.*
9. *New World has added to the destruction of a great decent society in New Zealand and Newtown by its liquor products.*
10. *New World Newtown has amazing long opening hours for booze in that persons of all ages can buy this liquor product from Monday to Sunday 7 am to 12 midnight, that's 119 hours in a week booze is encouraged particularly in its methods of advertising, promotion, cheap sales, and 'booze = fun = culture = excitement = a way of life.' The philosophy of New World is to encourage us all to, buy lots of cheap booze, drink lots and quickly, then call again to shop and renew the cycle of destruction."*

in NZ

[3] The renewal application was considered by the Agency on 22 September 2009. A decision was issued 'on the papers'. The decision set out the criteria in s.45 of the Act to which the Agency (and this Authority) must have regard when considering the application. It confirmed that in the view of the Agency, Mr O'Shaughnessy did not reside in close proximity to the subject premises, and could not therefore demonstrate a greater interest in the application than the public generally as required by s.42(1) of the Act. The decision stated that the objector appeared to have concerns in principle about the impact of the sale of liquor on the wider community in general, but had not provided any documentation showing that the matters raised were an actual issue at the premises. The Agency concluded that pursuant to s.106(2)(b) of the Act the objection was based on grounds outside the scope of the Act. The application was accordingly granted without a hearing.

[4] Mr O'Shaughnessy exercised his right to appeal against the decision. He filed a five page document with the Authority. He argued that he lived about seven and a half



minutes walk away from the business and therefore had a greater interest in the application than the public generally. He also made a number of allegations about the company's owner, questioning the company's suitability.

[5] The appeal was received on 5 October last and was followed by further correspondence from Mr O'Shaughnessy by email containing other material and allegations. The appeal was placed on hold pending receipt of the filing fee. Prior to the hearing Mr O'Shaughnessy gave notice of his intention to speak Maori or as he described it, using Te Reo only. He alleged that it was his legal right to do so. He was advised that he had no such right. In accordance with the Act the appeal was conducted by way of a rehearing.

The Rehearing

[6] We were satisfied that Mr O'Shaughnessy has a greater interest in the application than the public generally. This conclusion is not based on his membership of such organisations as 'Tin Do' and/or 'BAB' or the fact that he was a long-term regular visitor to the supermarket. Our view is based on his proximity to the business. He lives no more than 500 metres from "Newtown New World".

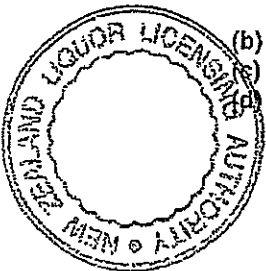
[7] In a recent decision *Liquor World Limited* LLA PH 1189/2009 we attempted to set out a number of principles and guidelines that apply when applications are made for an off-licence. This was because of general public misconceptions and/or misunderstandings about the licensing of new liquor outlets. The first principle and guideline is:

"Only people who have a greater interest in the application than the public generally can object. They can only object in relation to one or more of the criteria set out above. How people establish an interest in the application that is greater than any other member of the public, is a matter of judgement. In this case the Inspector has suggested a circle with a radius of one kilometre within which an objector must reside or have a business that could be affected. We think that although the proposal is generous, it is a fair and realistic suggestion (see s.32(1) and (3) of the Act)."

[8] We also believe that Mr O'Shaughnessy's objection did address one or more of the criteria set out in s.45 of the Act. For example, paragraph 10 of his objection set out above, clearly refers to the current trading hours and the company's ability to sell liquor for 119 hours each week. We accept that the issue of suitability was only raised in an oblique manner but that issue was developed in much greater detail during the re-hearing.

[9] At the commencement of the hearing, Mr O'Shaughnessy repeated his assertion that he intended to speak Maori and that he had the right to do so. The Maori Language Act 1987 confers the right to speak Maori in certain legal proceedings. The actual wording reads:

4. In any legal proceedings, the following persons may speak Maori, whether or not they are able to understand or communicate in English or any other language:
 - (a) Any member of the court, tribunal, or other body before which the proceedings are being conducted;
 - (b) Any party or witness;
 - Any counsel;
 - Any other person with leave of the presiding officer.



[10] This issue is whether an appeal to the Liquor Licensing Authority falls within the definition of 'legal proceedings'. These are defined by s.2 of the Maori Language Act as follows:

Legal proceedings means –

- (a) Proceedings before any court or tribunal named in the first schedule to this Act; and
- (b) Proceedings before any Coroner; and
- (c) Proceedings before any tribunal or other body that, by or pursuant to any enactment, has the powers, or some of the powers, of a Commission of Inquiry under the Commissions of Inquiry Act 1908 and is required to report upon any matter of particular interest to the Maori people or to any tribe or group of Maori people. (Emphasis ours).

[11] It was common ground that the Liquor Licensing Authority is not named in Schedule 1 to that Act. There are some tribunals that are subject to the Maori Language Act, including the Tenancy Tribunal and the Disputes Tribunal, but not this Authority. It is accepted that the Authority is a Commission of Inquiry pursuant to s.110(1) of the Sale of Liquor Act 1989. What Mr O'Shaughnessy could or would not accept was that the Authority is not required to report on any matter of particular interest to the Maori people. It is required to submit an annual report to the Minister but the subject of that report is limited to the Authority's proceedings and operations during the year, the workings of the Act, and the desirability or otherwise of amending it. It follows that Mr O'Shaughnessy did not have the right to speak Maori as he asserted.

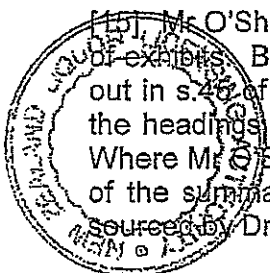
[12] Mr S R Walker appeared on the company's behalf. He stressed that there had been no issues about the manner in which the company had conducted the sale and delivery of liquor pursuant to the licence. He contended that there had been no breaches of the Act in the last three years and he noted that neither the Police nor the District Licensing Agency had opposed the renewal.

[13] Mr P W Gillman is the company's Management Support Officer and Risk Manager. He gave a very supportive reference as to the character and reputation of Mr Gary Baker, claiming that he was more than suitable to direct a company that held an off-licence. He confirmed that the company had been totally compliant with internal age compliance checks over the past three years. Furthermore he contended that no sales of liquor could be made otherwise than after the supervisor's key card had been swiped. He concluded:

"Mr Baker had brought his views to Newtown New World in ensuring his endeavours provide Newtown New World to be, and remain, a good 'corporate and community citizen'."

[14] Although Mr Gillman is the company's Risk Manager he was unable to say how many trespass notices had been issued by the company. However, he stressed that there was a culture of discipline and standards and that Mr Baker was a firm no-nonsense person particularly when it came to dealing with shoplifters. When asked why the liquor was placed at the store's entrance, Mr Gillman appeared to indicate that this was caused by competition from other supermarkets. Later he contended that there was a problem with space. Both explanations were inherently implausible.

[15] Mr O'Shaughnessy had approximately 81 pages of submissions and a large number of exhibits. By virtue of s.42(3) of the Act he is restricted in his objection to the criteria set out in s.26 of the Act. Accordingly we have attempted to summarise his objection under the headings of suitability, and the conditions of the licence (in particular, trading hours). Where Mr O'Shaughnessy strayed from the criteria, his submissions have not formed part of the summary. In particular we have ignored two Australian studies which had been sourced by Dr Paul Quigley and which arrived the day after the hearing.



[16] Mr O'Shaughnessy submitted that as an alternative to declining the renewal, we should impose a number of conditions on the licence. These suggestions included a condition restricting the display of liquor to a designated site, or behind a wall, or at the back of the shop. He submitted that there be a condition that a staff supervisor be required to be in attendance in the designated area. In addition he suggested that the trading hours be reduced to 1.00 pm to 7.00 pm Tuesday to Saturday.

[17] On the issue of suitability, Mr O'Shaughnessy made a number of unsubstantiated comments about the company's sole director (Mr Baker), and Mr P W Gillman, the company's management support officer and risk manager. There were claims of a large number of trespass orders, assaults on shoppers, and sales to minors. Mr O'Shaughnessy gave four illustrations of situations where unidentified people were alleged to have been assaulted. Given the lack of detail it was quite impossible to state whether his claims had any merit.

[18] However, Mr O'Shaughnessy's main concern was the large display of liquor surrounded by advertisements at the entranceway to the store. He described it as seven shelves high and 10 metres long. Nearby is another equally large display of beer. Mr O'Shaughnessy complained that the liquor was being sold below cost. He claimed that the liquor at the front entrance to the store had been moved from an area where it was supposed to be contained.

The Authority's Decision and Reasons

[19] When considering a renewal application for an off-licence, the criteria to which we must have regard are contained in s.45 of the Act as follows:

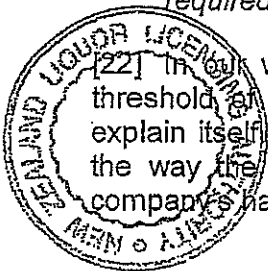
- [1] The suitability of the licensee:
- [2] The conditions attaching to the licence:
- [3] The manner in which the licensee has conducted the sale and delivery of liquor pursuant to the licence:
- [4] Any matters dealt with in any report made under section 43 of this Act.

[20] As we have already indicated, the two main issues relate to the company's suitability and whether the conditions of the licence (hours of operation) should remain unchanged. The company carries the onus of establishing its suitability to continue to hold the licence. The issue of suitability is not established without looking at the type of business being conducted and the manner in which liquor has been sold over the past three years. In this case there have been no reported breaches of the Act and there were no adverse reports from the District Licensing Agency Inspector or the Police.

[21] Mr O'Shaughnessy raised a number of issues about treatment of customers but they were general rather than specific. In *The Narrows Landing Limited* LLA PH 479/2003, we made the following comments:

"Nevertheless unless neighbours are prepared to provide details of when the breaches of the Act or the Resource Management Act occur and what action was taken, it would be difficult for them to overcome the threshold of factual information required to put the applicants to proof."

[22] In our view such generalised comments lacked sufficient detail to overcome the threshold of factual information that would have been necessary for the company to explain itself. However, Mr O'Shaughnessy raised a number of interesting points about the way the company marketed liquor to the public. In particular he referred to the company's habit of placing large volumes of liquor at the entrance to the store surrounded



by advertising and emphasising the low cost of the liquor. After all, the business is a supermarket and not a bottle store. It is an interesting question to ask why liquor is given such prominence given the company's claim that it is a 'good corporate and community citizen'.

[23] Mr O'Shaughnessy seemed to believe that the company was bound to have its liquor in a designated area. This is not so. Pursuant to the Act designations may only be imposed that restrict entry. All or part of the premises may be designated as restricted or supervised. For common sense reasons supermarkets are not designated. That is because their primary business is not the sale of liquor, so members of the public including persons under the age of 18 years have unrestricted entry to the premises.

[24] Consequently the company can technically display liquor all over the store. According to the evidence it has started to do so by displaying thousands of bottles of liquor where they can best dominate the view of members of the public (including young people) as they enter the supermarket. But in doing so the company hardly qualifies for its own self-description of a 'good corporate and community citizen'.

[25] There were other marketing issues raised at the hearing such as the advertising of liquor on the windows of the supermarket, the sale of beer in single bottles, the ability to sell liquor up to midnight and from 7.00 am. Given the company's emphasis on the sale of liquor it is pertinent to ask the question whether this business is a bottle store that also sells groceries?

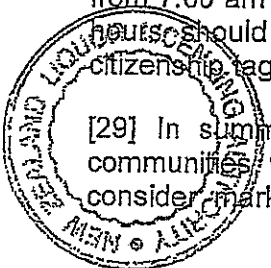
[26] We gained the impression from Mr Gillman that these questions had not really been considered by the company. He stated that the company was well aware that it was selling a legal drug and that there were certain rules in place in particular about selling to minors and intoxicated persons. Furthermore the company is governed by the national undertaking not to loss-lead liquor as part of its marketing strategy.

[27] In the recent Court of Appeal decision in *My Noodle Limited and ors v Queenstown-Lakes District Council and anor* [2009] NZCA 564, the Court made these comments:

"In our view, the Authority is not required to be sure that particular conditions will reduce liquor abuse. It is entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective (as the Authority found there was in this case), then it is entitled to test whether that policy is a reality. In this case, it clearly intended to test its hypothesis and keep the matter under review."

[28] There is a growing body of research to suggest a significant and positive relationship between the retail availability of alcohol with increased alcohol consumption and alcohol-related harm. Furthermore it is clear that advertising of alcohol plays a role in an underage person's drinking decisions. Regrettably the Act prevents us from imposing conditions of the type proposed by Mr O'Shaughnessy. Furthermore his suggested trading hours were in our view unreasonable. On the other hand given the number of outlets available to members of the public; we question whether the ability to sell liquor from 7.00 am to midnight might not lead to liquor abuse issues. We think that the trading hours should be looked at by the company in its efforts to maintain its corporate citizenship tag.

[29] In summary, given current concerns about the impact of liquor abuse on our communities, we wonder whether the time has not come for some supermarkets to consider marketing liquor more conservatively and in keeping with their status as a



supermarket. We accept that there many supermarkets that do not aggressively display and market liquor in the way that was portrayed in this case. They have accepted that they are primarily a supermarket given the privilege of being able to sell liquor as an adjunct to their core business.

[30] In this case Mr O'Shaughnessy has failed to reach the threshold that is required to undermine the company's claim that it is a suitable entity to retain its off-licence. However, he did raise some interesting questions and issues about the some of the company's practices. The company failed to respond in a convincing way that it had given due consideration to the Act's objective. Accordingly we have decided that the company will have its licence renewed for a reduced period.

[31] At the next renewal the company will be asked as a 'good corporate and community citizen' to produce a business plan to address the following issues: the sale of beer in single bottles, the hours of sale, the display of liquor in specific parts of the store, and the advertising of liquor within and outside the store. We accept that the primary concern in this case is where the liquor is currently displayed. The company may of course adopt any new strategies well before the next renewal date.

[32] In making this decision we have also taken into account the provisions of s.4 of the Act as follows:

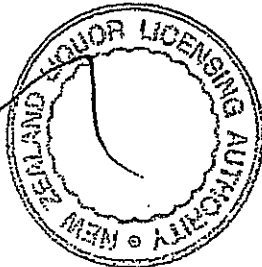
The object of this Act is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse as far as that can be achieved by legislative means.

The Licensing Authority, every District Licensing Agency, and any Court hearing any appeal against any decision of the Licensing Authority, shall exercise its jurisdiction, powers and discretions under this Act in the manner that is most likely to promote the object of the Act.

[33] For the reasons we have attempted to articulate the decision of the Wellington District Licensing Agency is modified. The off-licence issued to Garbak Enterprises Limited is renewed for 18 months to 28 April 2011.

DATED at WELLINGTON this 13th day of January 2010

B M Holmes
Deputy Secretary



Oct 09

APP.
3

To the Authority

I have a greater interest than the Public General in being able to lodge an objection because:

a) I have submitted reasons within my papers

And I also say:

b) TIN DO

I am a foundation member of TIN DO.

This is a voluntary organisation with other like minded persons I have organised and run within Newtown Wellington, and have done so for the last 18 months. We formed because although we recognise that some of the 14 Govt agencies that have input into issues associated with the booze there is still a further need.

TIN DO....is.... "Try It Now.....Dry Out!"

We have operated this group successfully being a voluntary not for profit organisation that puts the need of the person effected by the booze to assist them on a path towards recovery.

We do not receive any Govt or Local Authority, nor Church nor Charity funding. We don't want it. We have a system of support and operate a wet hostel in Newtown. This is a not a reference to the Mental Health operated half house.

We have links to many local organisations but do not have them officially endorse, embrace nor seek their support. We don't want to. We acknowledge their aspirations and vision, but have our own.

We assist Women, Men, and their children, to address their issues of too much booze. We just operate in our own ways.

We have successes, and failures, and a number in between.

Case A: 39 year old man. Boozer, lost job/home and future.
9 months later he's been dry for 3 months, has part time job, a flat, some food, support and hope for a great year in 2010.

Case B: 35 year old. Boozer, no job, no home, bad friends, on the edges of the organised system, but runs away from it.
Minor criminal charges. Contact for over 12 months.

Case C: Man 49, boozer, coming off for 2 months, support of him and his young child, new flat, possible new vision, some hope, prone to relapses

Case D: Woman. Has had rehab in system. Was dry for 6 mths, now slipped, bad two period, now seeking positive help in system with our support.

Case E; Man 58,boozer, now dry for 6 months, continued support.
5 months support.

Case F: Woman & Man. Up & Down....sometimes off, some slips, trying hard to dry out. Support 6 months.

Case G: 2008 cases: 6 dried out, on going support.

Case H: 10 months, man, 56, homeless, boozer, outside of system.
Up and down. We picked him up again drunk on the 17 November 2009
Tues at 3:15pm in Newtown Street after 3 police constables walked away to let us take him. On going support 8 months.

Case I: I set up TIN DO 18 months ago as I found an old 76 year man in Newtown Streets. He was drunk and couldn't find his wife in the car. They were both drunk. She recently passed away. He dried out in early 2008. You will know him.

about:blank

37

18

At short notice, and with our combined interest we can provide food, shelter and listening support. There is a range of strengths within our group that assists us to help re focus the individual and hope for a future.

We operate because the New Zealand Society and in Newtown Wellington these people are falling through the cracks of the established systems. They are also overloaded in getting cheap and continuous booze from Newtown New World.

Thanks New World Newtown.

c) BAB

I have also organised a group people who support me in:

BAB.....Bernard Against Booze

This is the group that has established the:

**Philiosophy
Policy
Systems
Activities**

to further the aims of TIN DO, BAB, CAT, & RAT Reform.

You have seen some of the outcomes being:

**Talkback radio
Objections to booze licenses
This Objection to the Authority
Submissions to Sir Geoff Palmer
Wide spread discussion within 11 community groups
about the booze problems
Launch in the New Year of radio slot...."Finding Value"
Polifical contacts with 4 main stream parties**

You may see more of these robust groups in the future.

APPLICATION FOR RENEWAL OF ENDORSED OFF LICENCE (CATERER)

**WESTPAC STADIUM
WATERLOO QUAY
WELLINGTON**



Section 41 Sale of Liquor Act 1989

SR No. 90114

Date: 18 December 2009

INTRODUCTION

Spotless Services (NZ) Limited has made application for the renewal of its Endorsed Off Licence (caterer) in respect of premises situated at Waterloo Quay, Wellington, and known as "Westpac Stadium".

The applicant has supplied the following names, certificate numbers and...

Mr Bernard O'Shaughnessy
320 Mansfield Street
Flat 239
Newtown Park Mews
Newtown
Wellington

Telephone: 021 205 3249

Mr O'Shaughnessy states in support of his opposition:

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"I wish to oppose the applications sought by Spotless Services (NZ) Ltd to:

- a) renew an On License and*
- b) a Caterer's Off License*

in the premises known as the Westpac (Cake Tin) Stadium.

a) In granting such applications the Agency MUST take into account Section 4 of the Sale of Liquor Act 1989.

The Act is clear in its purpose. To grant the licenses sought would be contrary to the Act.

b) Under Sect 111 of the Sale of Liquor Act 1989 you already have granted a Waiver to accept the application in regards the Caterer's Off License in regards it being filed late, and not being filed within time.

This is unacceptable to me and I oppose the grant of the Caterer's Off License because surely the owners and lawyer representatives knew the licence was due as it is such a large matter and of importance, yet they choose to disregard the matter, knowing full well that they could just 'slip an application in' and get the waiver. This is disrespectful to the Agency, as well as to the Authority, as well as to the law. Were the lawyers just out to lunch, or boozed?

By granting a waiver with ease shows total disregard to all the thousands of other applicants in New Zealand, and particularly in Wellington, who apply within the law and within time.

I also oppose both the licences because:

A) The relationship 'between having a good time' and 'watching sport' clearly has taken our society down a slide into the big profit gains of a few stake holders, at the huge social costs of people.

B) Sports are a major contributor (In particular Rugby and mens games) to develop this culture of getting drunk, fighting, domestic abuse, physical assaults, sex assaults, motor vehicle accidents, ACC monitored accidents, A&E Accidents presented at the Regional Wellington Hospital, crime, social disorder, disrespect, killing of children, killing of each other

C) The Families Commission, Woman's Refuge, ALAC, The Salvation Army, various churches like the Catholic, Anglican, Baptist have various and many research papers being critical of the "booze = a New Zealand culture" which must change

D) Also many Government Agencies such as The NZ Police, ACC, Antarctica NZ, Audit, Aviation, Housing, Censors, Charities Commission, CYPS, Childrens Commission, Civil Aviation of New Zealand, Consumer Affairs Ministry, Department of Corrections, Consumer Affairs Ministry, Coroner's Court, Corrections Department, Public Prisons Service, Courts & Tribunals, Criminal Justice Policy, Crown Law, Customs, Defence Force, Social Development Ministry, Disability Support services, NZ Transport agency - Drivers Licenses

Agency, Ministry of Economic Development,, Ministry of Tourism, Ministry of Education, Special Education, Education Review Office, Employment Court, Families Commission, Family & Community Services, Ministry of Foreign Affairs and Trade, Gambling Commission, Gaming, Government House, Government Communications Security Bureau (The SIS), Health & Disability Commissioner, Ministry of Health, Housie-Licences, Housing New Zealand Corporation, Human Rights Commission, Inland Revenue, Child support, Student Loans, Internal affairs, Ministry of Justice, Department of Labour, Land Transport of New Zealand, Law Commission, Lotto Commission, Ministry of Maori Development, NZ Lotteries Commission, NZ Trade and Enterprise, NZ Transport Agency, Office of Treaty Settlements, Office of Ombudsmen, Victim Support, Race Relations, Ministry of RS&T, Search and Rescue Marine, SME, SPARC, Youth Policy, Ministry of Women's Affairs, Work and Income, Veterans Affairs of New Zealand, RSA, The Treasury, Teach NZ, Te Amorangi Matauranga Matua, Te Taura Whiri I Te Reo, Maori, Te Puni Kokiri, Takerovers Panel, NZ Statistics, State Services Commission, all these organisations have policies that reflect on Modern New Zealand, and the need to booze in moderation, and the need to have conditions of employment that indication a person should not be drunk or drugged before coming to work, at work, and whilst working.

These organisations also have extensive research policies that address the issues of booze in NZ, and I know them, and they will attend hearings of the District Licensing Agency on Appeal, to the District Liquor Licensing Authority, and then maybe onto the High Court, because these organisations and representatives say the the booze issue is out of control and immediate interim steps must be taken by ALL AUTHORITIES, pending more immediate Government intervention by law changes.

E) Westpac Cake Tin advertises in a huge way its product of"come and watch the greatest....game of.....Rugby etc....and have fun and get boozed" by attending the matches, drinking afterwards in the"Party Streets of Wellington" and "head to Courtney Place to have the "after game booze party"....

I submit and refer to this application the publication.....

"IRB RUGBY WORLD CUP 2011...02 YEARS TO GO"

And in particular page 40.....

" Courtney Place is the proposed location for the HUB of FAN ZONE activity and plans are to close the street off to traffic on the weekend of the Quarter-Finals"

As the publication is not available I am sure the WCC has it's copy in pride of place to draw on, as you have a committee especially set up to address the matter.

Wow, that is a cool intention,clearly all the sober excited fans will gather with the permission of the WCC, Police, and Leaders of the City, to celebrate the All Blacks lost, and so just stand around and talk, chat, sing carols, and there will be no drunks, fighting, boozing, crime, rapes, sexual abuse, lewdness.....Go wellington!

F) Liquor advertising is very strong and public within and around these boozey events

G) Drink/Drive is encouraged by these licences when games occur at the Cake Tin

H) Police have to provide 'extra resources' for these events because of the booze

I) extra "security teams" are employed just because of the extra social pressure of the "must have booze before, during and after" the game

J) Hospitals have to roster on more staff to cope with the after effects of these licences

K) The Philosophy of the applicants for these licences is again that the encouragement and promotion of....."The Cake Tin is for fun = games = excitement = booze = culture = equals a way of desired life"

L) I also submit in objection to the applications, the Agenda of the Strategy & Policy Committee dated Thursday 15 October 2009 pages 32 to 71 whichs shows the WCC has much to debate, consider, hide from, inform public on, in regards their considerations to Sir Geoffrey Palmer's Law Commission inquiry into booze in New Zealand and Wellington, Such document is a public document but not available from the Library, but the WCC will supply copies needed

M) I also submit The annual report of the Wellington District Licensing Agency which shows how they have issued booze licenses with ease and lack of philisophical considerations in regards the needs of Wellington Rate and Tax payers, but such report is not available as none are available at WCC, but it is an in-house document so is available to "yourselves"....from within

N) I also submit Sir Geoffrey Palmer's "Alcohol In Our Lives" Law Commission Report pages 1 to 444, together with his "Summary of the Law Commissions Issues Paper on the Reform of New Zealand's Liquor Law", both such reports are public documents but not available to the public, as are out of Print, and were never avallable to the public at large, either around New Zealand, nor particularly within Wellington. I even asked at his Office and was told none were available, and in spite of attending at his 'public' but private meetings also none of the publications referred to above were available.

*These two documents must be taken into account in regards my objections.
I will be calling witnesses on these.*

AND I OBJECT BECAUSE:

1) I live at time in close promixity to said place (The Cake Tin) because when friends go to events in the stadium, I go with them afterwards and sleep under the concourse to ensure their safety, after they have been boozed up by the events there

2) I also live their looking after drunk homeless persons, and also dried out homeless persons because the WCC will not provide housing for these persons

3) I have a greater interest than the public generally, as shown already in the number of community organisations I am active in, being Church, Community, Political and Social groups

4) *the Police and the Health authorities are giving mixed messages to Society generally in New Zealand, and specifically in Wellington, and in Thorndon, that one end of these two State organisations made huge submissions to Sir G Palmers Law Commission, and regularly give us information in the media of TV, Newspapers, Radio, and meetings, that on the one hand booze is highly present in Crime, Health, Domestic violence, Accidents at Home and on the Road, Law & Order issues, Child killings, Rape, sexual abuse, yet on the other hand, at the reporting by Officers of Health and the Police in regards Liquor Licenses they seldom oppose any liquor License being granted, and indeed just add to the paper flow easy process to get a licence and renew it,*

5) *I have assisted an elderly man approaching his 80th birthday in December 2009, and he has come off the booze in the last 2 years, to the benefit of his family, society, Wellington and Thorndon, and he wonders why it has taken him so long, and is shamed by that,*

GUESS
WHO?

I ALSO OPPOSED these applications because:

Spotless Services (NZ) Ltd both in New Zealand but in particularly at the Cake Tin:

- a) Do not pay fair wages*
- b) Do not provide on the job or off the job training for the many staff they employ*
- c) underpay their staff*
- d) Pay minimum rates of pay for high demand work in positions of responsibility*
- e) screw the workers*

AND THAT

1) I apply all sections of the Sale of Liquor Act 1989, in particular 3, 4, 5, 6, Part 1, Part 2, 29 to 52, Part 5 through to Part 11.

2) I also seek compliance with the WCC District Plan in relation to noise emission levels within the Central Area where 60dBA (L10) and 85dBA (Lmax) when clearly the Cake Tin has offended

3) I also submit the Resource Management Act 1991 is applicable"

It is my belief that Mr O'Shaughnessy does not address the criteria set out in sections 42 and 45 of the Act when objecting to the renewal of a liquor licence with no variations to the conditions to the licence nor do I believe that he has proved that he has a greater interest in the application than the public generally.

Mr O'Shaughnessy does not live in close proximity to the subject premises and has not provided any documentation that would prove the allegations being made, nor have any adverse reports been received from any of the reporting agencies.

Sumin Ahn, Solicitor from Buddle Findlay on behalf of the applicant has replied to the objector's comments and does not consider he addresses any points provided under the Sale Of Liquor Act 1989.

POLICY CONSIDERATIONS

The applicant does not seek to vary the conditions of its licence.

SUITABILITY OF APPLICANT

The applicant has not come to the attention of the District Licensing Agency and is considered suitable to continue to operate an endorsed Off Licence.

CONDUCT OF SALE & SUPPLY OF LIQUOR

The applicant has been operating the premises in accordance with the Act.

SECTION 43 REPORTS

The Police report no opposition to this application being granted.

CONCLUSION

Accordingly, in light of Mr O'Shaughnessy's objection I forward the application for the renewal of the Endorsed Off Licence (caterer) held by Spotless Services (NZ) Limited and trading as "Westpac Stadium" to the Authority. However, I recommend that the matter be determined on the papers, that the application be granted and the licence be renewed for a period of three years.



**RICHARD PUTZE
INSPECTOR
DISTRICT LICENSING AGENCY**

Tel: 801-3873
Fax: 801-3012
Email: richard.putze@wcc.govt.nz

Alcohol Causes Violence

An historic conference

Te Papa, Wellington, Tuesday 23 March 2010

8.30am – 5.00pm

Registration: www.alcoholaction.co.nz (fee optional)

-
- * *We've been barking up the wrong tree in our efforts to reduce violent crime*
 - * *So much violence is committed by people drinking heavily and not thinking properly*
 - * *The 5+ Solution to alcohol-related violence is staring us in the face*
-

Why this conference?

A seismic shift of national thinking is urgently needed on violent crime in New Zealand. To date the issue has been dominated by punitive policies that largely do not work. Years of popularist "solutions" have given us longer sentences, overflowing prisons but no reduction in violence. We have been looking in the wrong place, while New Zealand becomes increasingly unsafe.

Who is involved?

This historic meeting is hosted by the University of Otago, Wellington School of Medicine. It brings together two main streams of people; those who are concerned about law and order, and those who are concerned about public health. The bridge is the damage being caused by the excessive commercialisation of alcohol. The lack of sufficient regulations controlling the supply and sale of alcohol maximizes heavy drinking.

Participants will be those who care about the health, safety and well-being of New Zealanders and who understand the impact that alcohol is having, not just on an "irresponsible" few, but on a large heavy-drinking sector of society. It will include the full range of health and social agency workers, including those at the front line who pick up the pieces left by alcohol on a daily basis. But everyone interested in solutions to the violence, personal harm and despair caused by the commercially-driven heavy drinking culture is welcome. **NB: Numbers limited to the first 200 registrants.**

Who are the speakers?

- | | |
|----------------------|--|
| Mr Howard Broad | New Zealand Commissioner of Police, Wellington |
| Mr Tuari Potiki | Manager Strategic Operations, Alcohol Advisory Council of New Zealand |
| Prof Kathryn Graham | Head, Social and Community Prevention Research, Centre for Addiction and Mental Health, University of Western Ontario, Canada |
| Prof Jennie Connor | Head, Dept of Preventive and Social Medicine, University of Otago, Dunedin |
| Judge Andrew Becroft | Principal Youth Court Judge of New Zealand |
| Mrs Rāhui Kātene | MP for Te Tai Tonga, Māori Party of Aotearoa New Zealand |
| Prof John Pratt | Institute of Criminology, Victoria University of Wellington |
| Hon Jim Anderton | Associate Minister of Health, responsible for Drug Prevention 2002-2008
MP for Wigram, Leader, Progressive Party of New Zealand |
| Prof Doug Sellman | Director, National Addiction Centre, University of Otago, Christchurch |

Alcohol is a Law & Order Issue



An historic opportunity to change New Zealand's heavy drinking culture: A public statement by the Doctors and Nurses of New Zealand

"If alcohol were a communicable disease, a national emergency would be declared"
Dr William C Menninger (1957)

A once in a generation "first principles" review of New Zealand's liquor laws is currently being conducted by the Law Commission in New Zealand, headed by ex-Prime Minister, Sir Geoffrey Palmer. This is a rare and historic opportunity for legal and social change to influence New Zealand's heavy drinking culture.

As a comparison, the struggle against tobacco and the tobacco industry is instructive as an historical precedent. Initially there was considerable reluctance by the medical and nursing professions to become embroiled in public debate about tobacco, due in part because many doctors and nurses in the 1950s smoked themselves and because we viewed ourselves primarily as practicing health professionals rather than political activists. However, it has been the sustained pressure by clinicians over the past 40 years that has brought about such landscape social changes in terms of tobacco supply, marketing and sale [Wynder 1997]. Recent research has revealed that the tactics being employed by the liquor industry to prevent effective regulation of alcohol are the same as those used by the tobacco industry [Bond et al 2009]. These tactics are primarily designed to maintain the sale of high volumes of alcohol even in the face of the enormous personal and social damage that heavy use of alcohol is causing and by emphasising individual responsibility as a key deflecting strategy.

Alcohol is our favourite recreational drug [RCP 2005] and as in other Western countries it currently enjoys a status that is fundamentally different to other recreational drugs in New Zealand. It is a highly commercialised marketable commodity that is available for sale, not infrequently at special discounted prices, 24 hours a day through highly accessible supermarkets and convenience stores virtually throughout the whole country. However, there is a downside to this free market commercialisation which is driving excessive alcohol use, and this is the enormous personal and social harm.

For too long has consuming alcohol been viewed by many as a benign activity necessary for social competence, rather than accepting that alcohol is a potentially dangerous and addictive recreational substance. Alcohol is causally related to more than 60 medical conditions [O'Hagan et al 1993; Room et al 2005]. There are over 1000 deaths each year that occur as a result of alcohol in New Zealand. About half (49%) of these are due to chronic alcohol-related diseases, especially various cancers (24%). A recent report [WCRF 2007] concludes that the evidence for alcohol as a cause of cancers of the mouth, pharynx, larynx, oesophagus, colorectum (men) and breast is "convincing" and that it is a probable cause of cancer of the liver and colorectum in women. More recently, a definite link with prostate cancer in men has been established [Fillmore et al 2009]. The other half (51%) of deaths are due to injuries. Of critical importance is the fact that these injuries are disproportionately amongst young people, which impacts on years of life lost due to alcohol, calculated to be 17,000 per year [Connor et al 2005].

Twenty-five percent is a conservative estimate of the number of New Zealand drinkers aged 16 years and over who show a sustained pattern of problematic drinking [Wells et al 2006], which means there are at least 700,000 citizens who could benefit from a therapeutic encounter. Like passive smoking, these citizens are the cause of considerable collateral alcohol damage within society, both at home as well as at large. A visit to any Emergency Department on a Thursday,



Friday or Saturday night, a stroll downtown in most cities in New Zealand after dark during weekends or a visit to a Women's Refuge or addiction clinic will astound many people. The sophisticated alcohol culture that was promised twenty years ago with the Sale of Liquor Act 1989 has turned out to be more of an endemic heavy binge drinking culture, involving young and older, men and women, Māori and Pakeha [De Bonnaire et al 2004; Wells et al 2006], and causing widespread alcohol-related health and social problems in society.

The seminal World Health Organisation sponsored publication, "Alcohol: No Ordinary Commodity" [Babor et al 2003] provides some of the best scientific evidence available about ways alcohol damage can be reduced in a society. It demonstrates that alcohol needs to be more effectively regulated under legislation in order to bring about change in the heavy drinking culture, in exactly the same way that tobacco has been slowly brought under better control. In fact, this fundamental approach has been reiterated once again in a Lancet review [Anderson et al 2009].

A "5+ Solution" based on these two reviews has been outlined by the national group Alcohol Action NZ. This provides the international evidence-based direction for the necessary reform that would reduce the widespread alcohol-related problems that currently exist in New Zealand and bring about a safer and healthier society for all.

1. *Raise alcohol prices*
 2. *Raise the purchase age*
 3. *Reduce alcohol accessibility*
 4. *Reduce marketing and advertising*
 5. *Increase drink-driving counter-measures*
- PLUS: Increase treatment opportunities for heavy drinkers.*

We, the representatives, heads and leaders of Doctors and Nurses throughout New Zealand recommend this set of policy directives as a guide to the Law Commission's review of the liquor laws.

Dr Geoffrey Robinson	Chief Medical Officer, Capital and Coast District Health Board; NZ President, Royal Australasian College of Physicians
Dr Jonathan Fox	Chair, Council of Medical Colleges in New Zealand
Dr Peter Foley	Chair, New Zealand Medical Association
Nano Tunnicliff, Kerri Nuku	President, Kaiwhakahaere, New Zealand Nurses Organisation
Heather Casey	President, Te Ao Maramatanga, New Zealand College of Mental Health Nurses
Professor Doug Sellman	Director, National Addiction Centre, Aotearoa New Zealand, University of Otago, Christchurch
Professor Peter Joyce	Dean, University of Otago, Christchurch

NB: The full set of signatories to this public statement will be found at <http://www.alcoholaction.co.nz>

One in 10 licensees caught selling alcohol to minors

Simon Wood

MORE than one in 10 licensed premises randomly checked by police last year were caught selling alcohol to minors.

Children younger than 18 acting on behalf of the police were able to buy alcohol 218 times between January and November, out of 1568 attempts. This included bars, cafes, restaurants, supermarkets, and licensed dairies and stores.

The number of licensees caught in controlled purchase operations has been falling since the measure was introduced in 2005. In 2007-08, 277 out of 1455 stings resulted in alcohol being served to minors.

Senior Sergeant Paul Kitney, the national alcohol harm reduction coordinator, said last year's numbers showed slipups were still being made by licensees and staff.

"For us, any purchase is poor and we'd like to see none at all."

During controlled purchase operations, police use minors, usually aged 16 or 17, to enter premises and try to buy alcohol.

If asked their age, they are required to tell the truth.

Senior Sergeant Cliff Brown, who runs such operations in Palmerston North, said several times last year minors had produced their real identification - which showed they were underage - and were still served.

That was despite bars being warned that an operation was to take place. "We pretty much make it as easy as possible and the volunteers look their age and they're instructed not to dress up to look older than they are. There's no trick in it."

Alcohol Advisory Council chief executive Gerard Vaughan said licensees needed to take responsibility to ensure staff training systems were in place. "Our tack is, if people look under 25, staff should be routinely asking them for ID to cover themselves." Licensees with correct systems in place should almost never fail a compliance test.

However, Hospitality Association chief executive Bruce Robertson said many owners tried everything to train their staff,

without success. "Sometimes it's in the contract as grounds for dismissal but they still get let down."

"Some of them find it frustrating that there's nothing more they can do."

He said many industry members found controlled purchase operations "abhorrent", and similar to entrapment.

If a business was caught in such an operation, it did not mean it regularly served alcohol to minors.

Mr Kitney said the operations were a good tool for police, and licensees knew what their obligations were.

Staff members responsible for the sale, their duty managers and the licensees can all be charged with selling alcohol to a minor. This carries a maximum fine of \$2000 for staff and \$10,000 for managers and licensees.

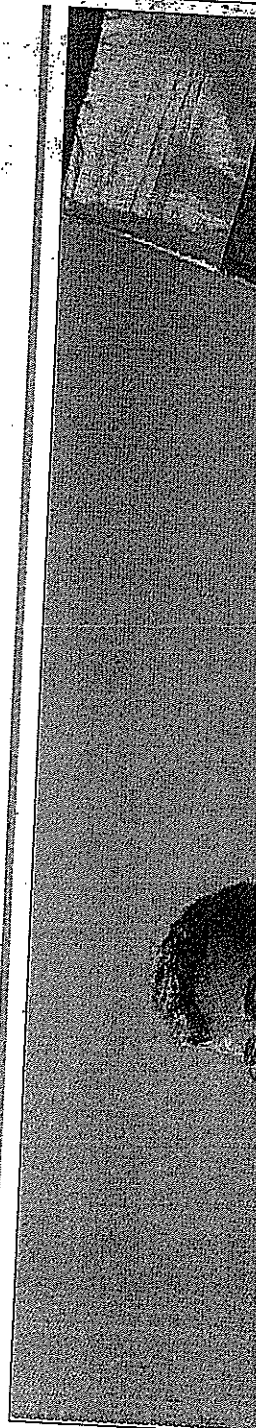
Duty managers can also have their liquor licences suspended or cancelled by the Liquor Licensing Authority, while licensees can be banned from selling alcohol on their premises, usually for between a day and a week.

NEWS That's

SAT

LA32R53
1080p 10

High Coll
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1920 x
5:15 Res
Swivel S
Styl 2.000
liveau/np



App 6

Karen Binnie

From: bernard O'Shaughnessy [bernardboss@yahoo.co.uk]
 Sent: Sunday, 7 February 2010 3:32 p.m.
 To: [REDACTED]
 Subject: Booze License: Temperance Hospitality Company Ltd
 Follow Up Flag: Follow up
 Flag Status: Red

Dear Mike & Others:

I hereby object to the Booze License Variation by Temperance Hospitality Limited of 17-19 Blair Street CBD, Wellington.

The Applicants are unsuitable to hold a license as there are many recorded incidents in and around this premise.

I apply all sections of the Sale of Liquor Act 1989 that you know about, and that I will use to successfully argue this case at the Authority and in the High Court.

Newspaper articles have been written about this particular area of the City, being Blair/Allen/& Courtney Place and now for this booze barn to want to vary their hours to be able to drink booze from Monday to Sunday 7am to 6am the following day is AMAZING.

This pub has the attention of the police, if they report accordingly. I do recall that in the case of O'Shaughnessy vs New world Newtown the Police said on the 15 December 2009, before the Licensing Authority that there was "No boozing Problem" in Newtown yet following the publication of the Authority Judgement of the 13 January 2010, the Dominion Post on the 21 January 2010 newspaper then said there: "was a secret Police report saying there was a problem".

That report was obtained by the Dominion Post and called:

"Problem Profile: Misuse of Alcohol in Newtown"

Now even the Area Commander of police is attending a public meeting on the 8 February 2010 at Daniel Street, Newtown, at 7:30 (bring a plate please) to discuss how he can use his limited resources to have persons abide within the law. I support the Police. I think the whole of Wellington should be Liquor Banned, and drunk in the street should be a criminal offence, OR there should be no liquor bans, and 'drunk in the streets' still be a Police Offence.

Is there a secret police report on the CBD area, or Courtney Place area and Blair/Allen streets regarding the booze problem. I think there is.

I also think we need a "COMMON SENSE" law to apply to everything, so that if a happy family and friends go to the beach and have a few wines, and are sensible, and go home when ready, or even if 10 gay (I use gay in the manner of my age, in that gay is being happy, regardless of ones sexual focus) persons have a doz beer on the beach, then if they are cool and ok, and not stupid or drunk, then that is OK.

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Also we need a "Level of Responsibility Law" to apply so that all the tens of thousands of ordinary New Zealanders who do license and register their Cars, Dogs, Houses, Taxis, Shops, Offices, Clubs, Marriages, and pay taxes as rate and tax payers and abide within common sense and responsibility, can stop paying for the small minority who are just awful stupid mean people.

We have got to in this country stop persecuting the majority with laws because of the stupidity of the uncultured loutish boring minority, and focus on a real vision and pathway ahead for the rate and tax payers of NZ. Thus I am for real average people, and the minority of crims, some rugby players, vested big business and the National Party & ACT, and the divided one eyed Maori Conservative party can go and jump.

I support small NZ Businesses, which is why I attended before Sir Geoff Palmer with a delegation of the Small Corner Indian Dairy Shop Owners, being some 1800 of them and their combined liquor sales are less than .3% of the \$2.6 Billion sold in the Big Chain foodmarkets of Foodstuffs and Progressive Enterprises.

I was giving consideration to withdrawing my objection to Hashigozake, as they pleaded via the paper and Dominic Kelly made mention of my objection. But, I then see in the Capital Times of the 3-9 February 2010 page 18 that this chap says in a huge add...

*"Hashigozake ... Cult Beer Bar...Downtown Wellington"s only Freehouse.
10 constantly rotating taps serving nothing but top quality craft beer.*

*NO CRAP ON TAP!
Certified Heinekenfree Bar"*

Clearly this Kelly chap thinks all other beer is CRAP, and is pro nuclear warheads, as he is against Heineken beer, which still supports NZ as a Nuclear Warship Free Zone. Does Temperence Bar agree with Hashigozake that the Temperence beer is CRAP? That would make a good court case!

Also imagine *10 constantly rotating taps for serving beer....caged pigs* don't even get that! How crude!.

Hence I say to Dominic Kelly...my objection stands.

I also think The Mayor and Garry Poole should stop dishing out Booze Licenses like lollipops, like the 712 last year 08/09, clearly they have CAUSED THE ASSOCIATED PROBLEMS OF:

Drunks in Cars
Drunks in Streets
Drunks in Crime
Drunks in Relationships
Drunks in sport/business

so they can resign their positions.

I also oppose this application for VARIATION because:

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- a) this 'superbar' clearly couldn't manage financially and went into receivership, showing bad management
- b) this 'superbar' has a bad track record of employee relations, paying poor wages for awful work, terrible shifts, a large turnover of employees.
- c) this bar also discriminates against customers, and complaints are to be made under the Human Rights Commission. Being discrimination in regards gender.
- d) This superbar sees itself as the "Hub of Wellington's booze rugby followers & players" and is a poor example to people of all ages.
- e) It is set up this Waitangi Day Week-end and for the Rugby Sevens as to be the booze soaked bar during and after the Sevens. They have even trialed a 'line up and wait but get drunk waiting area before you get in the door". This area closes off the walking street area, and imposes onto the road area. The Police will have the statistics available to give the Authority as to the damage done.
(Up date: Fiji won!!!!.....great!)

I FURTHER SAY THAT ON THE ISSUE OF CLOSE PROXIMITY:

Regardless of me not living close to said premises I object because I wish to contest the matter of "having to live in close proximity" within a one kilometre area as stated in the Liquor World Ltd LLA PH 1189/2009.

As the distance is established by an Inspector I totally challenge the judgement of all inspectors of the Wellington District Licensing Agency. I will challenge that at and before the Authority on this case, and also before the High Court. The Judge of the Authority, case law, and I, know where a 'supposed distance of living in close proximity' comes from in law history, and the Agency does not know!

In the case of O'Shaughnessy vs NewWorld Newtown it showed that Mike Kemp couldn't measure, and that a range of matters were open to challenge, and therefore the Authority made a case leading decision for the Food Industry, the Hospitality industry and for New Zealanders on the 13th January 2010.

I say the Agency is still riddled with errors and mistakes and they shouldn't be allowed to grant Liquor Licenses and the AUTHORITY should be the authorised level at which to make decisions, IN ALL CASES as they are starting to do now.

And I do not give any credence to Richard Putuzes opinions either as he is an ill responsible smoker and knows little of the Sale of Liquor Act 1989.

WAIVERS:

I further say on the issue of granting Waiver's under the Act:

I am actually totally amazed now that I am finding out that the District Licensing Agency is granting waivers under Sect 111 left, right and centre (a cricket term) to any person, and every person.

In opposition to what Richard MacLean WCC motormouth Spokesperson on behalf of Council said in the Capital Times, "That O'Shaughnessy" had asked for screeds of information under the Official Information Act that is a total bloody LIE by him, as quoted by the Capital Times of 27 Jan to 2 Feb 2010, page 3. And when I become elected to Council

later this year his resignation will be accepted by the new Mayor.

I did make ONE request to the Agency asking how many Waivers they had made in the year 08/09, and to my surprise they informed me that they could not tell me and that I should ask the ombudsperson, which I will. But now I realise that The WCC Licensing Agency is and has been issuing Waivers faster than Tiger Woods plays the 19th!

They have just granted WAIVERS for lateness and miscalculations and all sorts of lame duck excuses in the applications by;

- 1) Hashigo Zake Dominic Kelly
- 2) Aphrodite Ltd
- 3) Havana Bar
- 4) Rasa Malaysian Restaurant
- 5) Mojo The Terrace
- 6) Mojo Wellington Airport.

AND THERE IS MORE, AND MORE.

The AGENCY grants 111 waivers like they are in fashion, like why bother with a deadline, or cut off date. These Cafes'/pubs/Hotels/Restaurants all have 'persons of responsibility' looking after their booze licenses, like owners/managers/lawyers/HANZ or Hospitality Booze License Agents. So the Temperance owners should have chat to them and wise up on the act.

Clearly Richard MacLean is obstructing the truth as it seems a deadline is not a deadline at the Agency when it comes to accepting booze licenses **OUT OF TIME**. Like ...no worry mate, sent it in for renewal any old time.....we will grant it.

Therefore within this objection I say to the District Agency that under the Official Information Act they can tell the Authority how many Waivers they have granted in 08/09. Surely, it is stashed on a computer or in a little notebook ledger somewhere in Town Hall.

My contention is that regardless of where and how close or far I live from "said premises" the fact of the matter is that if some booze head gets drunk in the Temperance superbar between the hours of Monday to Sunday 7am to 6am the following day, then that person effects the whole of society in relation the points made above about drunks being in Crime/Cars/Work/Streets & relationships, and the Temperance Bar can develop a comprehensive business management plan to show how it will manage it's legal drug for the society and the community, and within that plan it can show how it addresses the Object in Sect 4 of the Sale of Liquor Act 1989, and it can shore up and show it's attitude as to how it might address the proposed objects in the new Act that will be debated in the House of Parliament, and referred to in Sir Geoffrey Palmers' Commission of Enquiry into the abuse of booze.

WHAT TEMPERANCE NEEDS TO DO ALSO IS:

Address the judgment of the 13 January 2010 in the case of O'Shaughnessy vs New World Newtown:

The Manager of New World Newtown, in spite of the Judgment against him, and in spite of the Foodstuffs Wellington Managing Director Tony McNeil, in the Dominion post of 21 January 2010 saying...

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"the supermarket (Chain) would look at the VERY REASONABLE suggestions". (of the Authority).

This has been already endorsed by Island Bay New World and a plan is being developed. Now that is pro active and smart, and those owners are clearly ahead of the game, and head and shoulders in the community and for the future of Island Bay.

But Gary Barker in New world Newtown has not shown any interest at all. HE HAS NOT SHIFTED ONE BOTTLE AWAY FROM THE DOOR OF HIS 50000 BOTTLES THERE. I would think it would be prudent to shift the bloody lot straight away to where his bread is.

Phone him on 04/3897015

or Tony McNeil Foodstuffs 04/5272510. and tell him to see sense, and act immediately.

And Baker can put away his trespass book as well and get his thug staff to stop beating up customers, poor and disabled persons. Recently one of his thug staff trespassed Mr John Stretton. John looks after an elderly man and does his shopping and has been going to New World Newtown for 15 years. He works but because of a accident many years ago has disabilities. He was recently trespassed for no reason at all.

Recently another person who is on invalids benefit appeared in court but the case has been more than thrown out, due to the beating dished out by the thug staff encouraged by Gary, and that the 'alleged incident' was caused by New World.

And there's more.

In the District Court at Wellington on the 4th February 2010 a senior lawyer before the judge referred to the common understanding and knowledge that there were "difficulties in Newtown New World with the staff acting like the Police, and yet were thugs themselves" and a senior Police Sgt did not disagree!

I also submit all evidence that is relevant in the case of O'Shaughnessy vs New World Newtown 13 Jan 2010.

IN SUMMARY I SAY:

I am opposed to the variation of hours sought by this application and in fact wish their hours to be cut back to

Tues to Saturday
11am to 3am the next day

I am opposed to this Superbar having bars on the open street and

I am opposed to having ringed off areas, together with 'line up ringed/fenced off wait areas outside'

I invoke all sections of the Sale of Liquor act against this application.

AND I FURTHER SAY THAT:

a) all applications before the Wellington Agency will be opposed by me until

53

Garry Poole, Mayor Kerry, [REDACTED] and the agency comply with the Sale of Liquor act 1989

b) this notice also serves as objection against the applications of:

- * [REDACTED]
- * [REDACTED]
- * [REDACTED]
- * [REDACTED]
- * [REDACTED]

The objections made against these premises are for the same reasons as given in all my applications as [REDACTED] WCC Licensing Booze Inspector has taught me to do in his correspondence with me, over the last 6 months.

Yours sincerely

Bernard O'Shaughnessy

Being;

Human Resources Director : Cat
CAT (Coalition and Transition Team)
CAT (A Team to Contest the coming Local Body Elections)

BAB

TIN DO

HART (Halve or Ratepayer Taxes - Halt all Ratepayers Taxes)

COUNCIL ELECT

Member of 15 Community Organisations

Member of Churches

Political Party Activist

Email slow, chunky, unreliable? Switch to Yahoo!Xtra Mail, New Zealand's new email address.

Limit of Options.

In reading the proposal by the WCC, and in the reports supplied by OPUS, clearly there is a total Limit Of Options. (LOO)

This is also particularly noticeable in the whole process carried out by all the Council Officers, all the paid for Consultants, some of the media reporting of statements made by Councillors, The Mayor, and the heavy funded self interested Public Relations Campaigns waged by vested interests;

whereby there is simple a LOO.

This means that:

The whole concept of this project, being bus driven, has not been openly, honestly, and correctly put before the public and in particular the ratepayers of Wellington.

There are a whole range of other options such as:

- a) taking the cars out of Lambton Quay
- b) having restricted car access during peak bus times
- c) Put light rail from the Ferries, to the Railway Station, along Waterloo Quay, continue along Jervios Quay, along Cable stop at TePapa), turn right up Kent Terrace, moving left around the around the Basin reserve (East side) up Adelaide Road towards new Hospital (which does not have a cancer treatment ward for children) but branching behind the new Hospital, (through where the old nurses hostel is coming down) along a new track tandem to Mein St, then an earth cutting to link with Wellington Road, then to the Airport.
- d) By considering c) above this would also need to provide for a two lane Flyover commencing from the corner of Tory & Vivian Streets, that would take traffic from off the motorway, over Kent and Cambridge Tce, right up to the hill at the corner of Pirie & Brougham Streets, and then link to the Bus tunnel, which would be widen into a two lane road ONE way towards the Airport, thus reducing the social, political, and present opposed plans of the WCC (and others) to put in a controversial motorway to bypass and destroy the ambiance of the Basin reserve.

e) I have discuss the broad concepts of c) & d) above with:

Annette King (MP Rongotai) Labour
Rob Goulden (WCC Councillor) (Conservative)
Members of the Enterprise Business Miramar (EBM)
(Weta reps)

The Traffic Management Group of the Coalition and Transition Team (CAT), who have fielded a ratepayers and taxpayers Reform Team to contest the coming WCC elections, and the representative of this portfolio will issue policy statements on this matter.

Urban City Design Planners
University Professors (both Massey & Victoria)
Resident & Ratepayer Committees across Wellington
The Green Party
The National Party
Unions
WCC representatives

Note
←

f) Financial costing data is available and the BCR shows that this is a realistic immediate project that is achievable within 4 years, unlike the present time estimate of 10 years by the planners of the NZTA, GWRC, WCC (and other vested interests) in regards the Ngauranga to Wellington Airport Corridor Plan.

g) the BCR for c) and d) above is a very respectable

c) 2.4

d) 2.2

OR

h) having trailers for passengers on the back of Buses. That is Bus and trailer (multi linked) as in Auckland, Australia, and other parts of the world.

OR

i) just leave Manners Mall as it is, spend some money as promised and put in trees and seats.

OR

j) bring in a comprehensive traffic management plan for all in Wellington, which addresses the total issues of the needs of:

- Buses
- Cars
- Light & Heavy Trucks
- Walkers
- Cyclists
- Tourists
- Dogs
- Buskers
- Skate boarders
- The Mayor's uncontrollable drunks

Thus simple said....is that there are many options in the alternative, but the City Council confused the entire matter deliberately, so as to gain favour of closing Lower Cuba Street, and digging up Manners Mall. But they have not won, nor will they.

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12.

FAXED

Absolutely POSITIVELY Wellington

24 July 2009

Received

Sergeant Jason Thurston
Wellington Police
PO Box 693
Wellington 6140

27 JUL 2009

Wellington Police
Liquor Licensing Section

RECEIVED
WELLINGTON CITY COUNCIL
29 JUL 2009
DISTRICT LICENSING AGENCY
WELLINGTON

Dear Jason

APPLICATIONS RETURN RECEIPT FOR POLICE

Below is a list of applications from the District Licensing Agency that require Police reports

Please vet each applicant and once complete sign at the bottom of the page, and return.

SR#:	Applicant's Name, DOB, Appn Type	Comments	Opposition (Yes/No/RC)	Police Reporter's Initials
198613	[REDACTED]		✓	JUR
198607	[REDACTED]		✓	JUR
198595	Portofino Wellington Waterfront Ltd, Portofino Restaurant, On	HR Policy	✓	JUR
198582	[REDACTED]			
9904265	Johnsonville Cricket Club Inc, Club Ren	HR Policy	✓	JUR
9903481	The Wellington Collegians Cricket Club Inc, Club Ren	HR Policy	✓	JUR

RC = Report Convictions.

FAXED

J Thurston
Sergeant G490
Wellington

29/7/09
1355 hrs

↑ ? WHAT!

(57)

Absolutely

POSITIVELY

*The World is Positive
Wellington's Best Choice*

Wellington

RECEIVED
WELLINGTON CITY COUNCIL
- 8 MAR 2010
DISTRICT LICENSING AGENCY
WELLINGTON

4 March 2010

Sergeant Jason Thurston
Wellington Police
PO Box 693
Wellington 6140

Received

07 MAR 2010

Wellington Police
Liquor Licensing Section

Dear Jason

APPLICATIONS RETURN RECEIPT FOR POLICE

Below is a list of applications from the District Licensing Agency that require Police reports

Please vet each applicant and once complete sign at the bottom of the page, and return.

SR#:	Applicant's Name, DOB, Appn Type	Comments	Opposition (Yes/No/RC)	Police Reporter's Initials
96577	Strait Shipping Ltd, MV Bluebridge, On Ren	AL Policy	✓	JT
	[REDACTED]	[REDACTED]	✓	JT
	[REDACTED]	[REDACTED]	✓	JT
	[REDACTED]	[REDACTED]	✓	JT

RC = Report Convictions.

↑
WELL

J Thurston
Sergeant G490
Wellington

08/3/10
0835 hrs

FAXED

58

DELEGATION EXERCISED BY THE WELLINGTON CITY COUNCIL.

At the Wellington City Council the District Liquor Licensing Agency is established and the Committee is as follows:

- Chairperson: Leonie Gill**
- Mayor Kerry Pendergast**
- Committee**
- Rob Goulden**
- Iona Pannett**
- Hayley Wain**
- Stephanie Cook**

This committee then delegates ALL of it responsibilities to the CEO of the WCC being Gary Poole.

He in turn delegates ALL of his responsibilities to the Licensing Agency Secretariat (Copy attached) and the named officers who receive his delegation to act and approve are:

- Helen Savage**
- Alison Box**
- Joanne Burt..... Inspector/peer review officer**
- Mike Kemp.....Inspector/peer review officer**
- Richard Putze...Inspector**

But in actual daily and yearly practise all booze licenses are handled by Joanne Burt and Mike Kemp. They are colleagues and sit in close proximity to each other! Like one would receive the papers, tick off the boxes and then pass to the other one to get approval.

Is it OK for all licenses that are for action by way of APPROVAL and even those ones that are OPPOSED, are handled at such a low level within the organisation, without any supervision and oversight by the District Licensing Agency (The Council Committee) and or a senior member of the WCC Management Team.

I don't think it is. There seems to be a major gap in any guidelines, procedures, but of greater importance, a major gap in any policy and philosophical approach between the actual staff who are approving hundreds of licences, and the DLA Agency, and to the WCC Councillors.

There was NO meeting of the District Licensing Agency in 2008/09 to discuss Licences, or special licences, and in fact they didn't meet to discuss ANYTHING.

That's strange. Here is a milestone year of where Sir Geoffrey Palmer embarks on a Law Commission of Enquiry, around the country, yet in this major city, this DLicensing Agency doesn't meet to DISCUSS his report, what the Police and Health authorities are saying, what the daily dose of TV, Radio and Newspapers and communities are saying.

I am sorry to name the people above but these people are identified in 'public' documents like their public annual report and many papers before this authority.

These three Officers of Council are not highly graded (nor paid well) and in fact these poor people are handling legal technical social & political matters without the support of their managers and the CEO, nor the Licensing Agency Council Committee.

But what they operate is a one way system to allow anyone and everyone to get a booze license real easy. They approved 712 in the last year. They operate within boundaries, which clearly do not provide them with a broader community view, as they are restricted by the very system established by the Sale of Liquor Act 1989 itself. But they do not address the OBJECT of the Sale of Liquor Act at all in section 4. This Agency actually has a huge banner outside their office that states the OBJECT OF THE ACT....."WITH THE AIM OF CONTRIBUTING TO THE REDUCTION OF LIQUOR ABUSE" and the banner hits them in the eye everytime they walk into their private offices to approved 'easy-as' booze tickets. Liquor Licenses in Wellington has doubled since the 89 Act, without any checks and balances, and particularly without any PUBLIC input.

This Licensing Authority, and Sir Geoffrey Palmers Law Commission have been strongly critical of the variances existing in the numerous local authorities as to the disunited approach to realistic common standards of procedudres associated with the "this booze is too much in society." An Auckland area has been exposed for having 1 booze license for every 500 people. In Wellington we seem to have ~~1~~ the same!!!....well we have 190000 rate payers, and 712 licenses, but I suppose we have to take into account

the moving population in and out, then we have all the drunks in Newtown after the Wellington City Council by sleth moved them from the CBD to be out of the way for the infamous dud Rugby World Cup in 2011. The base point is we have too many booze licenses aw well! Surprised?

In the Annual Report for 2008/09 of the Wellington District Licensing Agency which I submit as to this Authority (But sorry cannot supply one as none are available as very few were printed as it is a hidden document) even that say....

"Sales to minors continue despite agencies' monitoring"....page 7

" The Liquor Team has continued to produce MESSAGE pens"

(What.....get real?) page 8

"highlights for the (new) policy include a new set of criteria for off-license to extend their hours of operation!".....page 11

→ (No 5)

And the DLAgency wants all trading hours to be unti 2am.....page 12

And the DLAgency sees the push by Central Govt to get ratepayers to pick up more costs associated with boozing....page 12

In fact all of page 12 is just awful!

Then you can see that on page 15 lots of stakeholders are running around with each other in terms of the Wellington Liquor Liaison Group that includes one way street input to promote BOOZE. HANZ is in there, do they call for booze reduction and offer to pay the hospital bills! ...page 15.

My major point is that:

The CEO and Councillors of Wellington City Council show little guidance, nor have exercised wisdom and prudence in regards the granting of hundreds of liquor licenses....that is our Civic Leaders have created this mess.

The CEO has delegated this BOOZE issue to the lowest level possible, without restraint and the Mayor Kerry and Gary Poole are examples of being at one end of society in welcoming the booze supply but crying wolf over the terrible outcomes.

THESE PEOPLE ARE THE CAUSE OF MY words saying.....

NewTown (New World), Wellington, New Zealand.....

"promotion, cheap sales, and booze = fun = culture = excitment = a way of life"

which is utter madness!

This DLAgency has not been applying with the law as addressed hereto within my submission. They grant Waviers under Sect 111 with ease, they do not address the Object of the Act, Scet 4. They have bungled before, are not administrating matters as they should presentlt, and already further cases are coming on objection, appeal, re hearing by me against a number of their illegal approvals.

(60)

28

12/7/2006

~~(9)~~ (10)

To: Sir Geoffrey Palmer:

I, Suresh DAYAL, Retailer Owner, of DAYAL'S [4] Haitaitai, Wellington hereby swear/affirm that:

In Regards to Considerations by the Law Commission into the Sale of Liquor in New Zealand.

I wish to state that I am:

- 1) alarmed at the difficulties of too much drinking by Kiwis of all ages in New Zealand
and it has been a problem for us to address for many decades
- 2) sad that presently in New Zealand a perception is that the 'Local Dairy/Foodmarket'
is a major factor in that issue.
- 3) We Dairy shop/Foodmarket owners sell a very small percentage of the liquor compared
to the large supermarkets of New Worlds, Worthworths, Pak & Sav, Countdown and the
Progressive Enterprises empire of food/liquor distributors
- 4) Those liquor empires bulk buy booze, dump liquor at low cost and under cost to gain
a major share of the liquor trade
- 5) The attitude developed in New Zealand has been one of "Rugby, Racing, & Beer (Liquor)".
- 6) My Kiwi culture (although being Indian) is not approving of that attitude. My Kiwi/Indian culture is one of Responsibility, Church, Tradition, Family, good behaviour, good will to others, and a common sense approach.

I also think that a way ahead for all New Zealanders is to:

- a) acknowledge that the 1986 recommendations were liberal, have been tried but
have now failed.
- b) learn from these mistakes and rescue all of our peoples so that the future
is
not confused by a legal (liquor) drug

(61)
10/09/09
1-9

c) License immediatly the Liquor King Chain stores only, and other 'stand alone' liquor outlets, including licensed Cafes/Hotels where food is also a necessity of sale with liquor/entainment, and Dairy/Supermarket local stores

Which means that the present large suppliers of Liquor in New Zealand, pretending to be food markets, that is Woolworths, Pak & Sav, Countdown, all New World supermarkets SHOULD BE stopped immediatly in selling any or all types of liquor.

7) even tho I am now in my 60s I have been in retail business for over 40 years yet I am now seeing

more than ever awful stresses in a large number of people caused by

* the move to a 7 day working week

* money problems associated by the single income family with one or more children

* more people having to work long hours over 50 per week or getting extra part time work to make ends meet

this means that people are forced to de-stress rapidly by using booze/drugs to excess which is causing a decline of a beautiful Kiwi way of life

8) I was one of many who resisted as long as possible the selling of liquor in small shops (corner dairys/supermarkets), but because of the high competitive nature and pressure from the combined food giant empires meant I had no economic alternative other than to start a small liquor stock. I always have a tight customer service focus, and have never had any demands by youth for excess sales of liquor.

9) my customers from 18 to 90+ are mature in their approach and this is reflected in their positive feedback they give me in my store and within the community.

10) I have seen over the years a number of Commissions, and inquiries come and go, and a lot of effort is put into submissions and discussion by people, yet at times the results don't bring results for real people, as too many 'system' people with self interest vested positions control the results. I trust that this will not happen with this Commission.

And that:

my representative, Bernard O'Shaughnessy, of Newtown, Wellington will submit this document if I am unable to attend.

61
07/09/09
18

SIGNED *S.P. Dayal*

~~Affirmed sworn this~~

7th

SEPTEMBER

th day of August 2009

S.P. Dayal

S.P. Dayal

Signed by Suresh DAYAL

Richard A. Simpson

SIGNED

Before me.



Richard A. Simpson
22 William Street
Hataitai
Wellington

(62)

[Handwritten mark]



To the Authority

I attach for the authority's information a range of newspaper articles and publications.

The point is that this is examples of the overflow of the huge amount of weekly, fortnightly, and monthly publications that are dumped in all of our letterboxes in Newtown, Wellington from said premises of Newtown New world. I am sure you all get them as well stuffed in your mail boxes, lying on the street, overflowing the bins wanting you to buy....buy....buy!....Cheap booze....get drunk for xmas.

See the big A3 folded paper...that's a new method.... page 1...I doz Tui for \$12.99....great!

Page 1...I wine for \$8.99...cool!

Page 11....lots and lots of cheap booze for xmas

And even get Double Fly Buys....even Fly Buys are in on the booze act!

Then of course once New world Newtown puts out a flyer then the other big foodmarket shops pump out a booze book of cheap goodies.



These are the issues that Sir Geoffrey Palmer wants to steer us all away from, well hello there is so much written research, publication and reference to the linkage of boozing with market push, that I know this authority has more knowledge than I, so is fully aware of this message!

Did your all see John Campbell Live, 5 December 2009 at 7.17pm. Wonderful stuff...live...he interviews Ali Williams of the All Blacks (who lost the world cup) fame and that drink beer live on TV and share his new book of "Tall Tales" how the team go around the world, drinking boozing, running naked, seeking dates with the queen, and sometimes playing boring rugby. How does that fit in with the Media Broadcasting Standards of New Zealand?



When John Campbell interviews me I am going to punch him in the eye, as he forced me to give up primary school teaching, thanks John!

So given this opportunity I share some of the newspaper articles that in no small way just shows to the Authority what is the issue!

63 ~~AS~~
ad

24 November 2009

Mr Bernard O'Shaughnessy
Flat 239 Newtown Park Mews
320 Mansfield St
Newtown
Wellington 6021

Dear Bernard

I am writing in response to your email enquiry received by the District Licensing Agency on 19 November 2009. I will address each of the points you have raised as they appear in your email.


Under the Official Information Act I request:

- a) *that a copy of your Liquor License Delegations be forwarded to me*
- b) *that you make the file available to me in regards the matter of New World Newtown when they first obtained their license. I would be happy to attend your office to read and sight such file.*
 - a. Please find enclosed a copy of the current liquor delegations as requested.
 - b. The file for Newtown New World is now able to be viewed at the District Licensing Agency, 101 Wakefield Street. This can be viewed during normal business hours.

seen 3/12/09

Also I would like your comments in writing under the Official Information Act on:

- a) *Why was there no meetings of the Wellington District Liquor Agency in the 2008/09 year*
- b) *who approved the special licenses in 2008/09*
- c) *How many times did the W District Agency (The Regulatory Committee of WCC) meet with the Secretariat Staff in 2008/09,*
 - *if they did meet how many meetings and what was discussed*
 - *or if they didn't meet why didn't they?*

64


d) Was the WCC response to Sir Geoffrey Palmer's Law Commission Report on the Reform of NZ's Liquor Laws discussed with a) the DLA Agency (WCC Committee) and b) the DLA Agency Secretariat Staff If yes to a) & b) please show me the papers if no why not?

Answers to your questions a-d as requested

- a. The Wellington District Licensing Agency did not convene for meetings in 2008/9 as there were no opposed special licence or temporary authority applications.
- b. As per our delegations. Mike Kemp and Joanne Burt are the Inspectors primarily responsible for determining and issuing all unopposed special licences.
- c. There were no contested temporary authority or special licence applications received in 2008/09 therefore there was no requirement to meet.
- d. The Council consulted with a number of stakeholders including the District Licensing Agency whilst preparing its submission to the Law Commission. Councillors were briefed, and on Tuesday 13 October 2009 had the opportunity to debate or ask questions of the writer. The submission paper was presented to the Policy & Strategy Committee meeting on Thursday 15 October 2009 where it was voted on and passed.

Why not?

WKO:

Thank you for expressing your concerns around these matters, and I hope I have been able to satisfy your queries on this matter.

Yours sincerely,



Helen Savage
Team Leader
Liquor Licensing

65



02 December 2009

Mr Bernard O'Shaughnessy
Flat 239 Newtown Park Mews
320 Mansfield St
Newtown
Wellington 6021

Dear Bernard

I am writing in response to your second email enquiry received by the District Licensing Agency on 27 November 2009. I will address each of the points you have raised as they appear in your email.

In relation to your letter of the 24 November 2009 I now ask under the Official Information Act that:

a) as you have indicated that the District Licensing Agency did not convene for any meetings in 2008/09 as there was no opposed special nor temporary licenses. That means that the District L. Agency didn't meet at all, to consider any unopposed special or Temporary Licenses either?

b) As discussed I request (as in (d) of my letter) that you advise me of the stakeholders with whom the Council consulted, being both Council Councillors and Council Officers, whilst it prepared its submission to the Law Commission.

Who was the Policy writer that you referred to as 'preparing the report'? being their name, or their title and the Council Unit they represent?

c) I also wish to see the New World Island Bay original application for their Liquor License sought by Maurice Bennett. I would attend your office to sight such file.

Answers to your questions a-c as requested

a. Your assumption is correct.

b. The stakeholders that were consulted were:

Alcohol Advisory Council of NZ (ALAC) NZ Police, all Councillors and the Mayor, the District Licensing Agency, Building Consents & Licensing Services, WCC City Communities Directorate, WCC Strategy Planning & Policy Directorate, WCC City Safety Business Unit, Community Law

(66)
32

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Centre, WCC Youth Council, Victoria University, and WCC Transport
Planning

The author of the Wellington City Council Law Commission Submission
paper was:

Giselle Bareta
Senior Advisor
City Safety
Wellington City Council

WHAT ABOUT
RATPAYERS!

- c. The Island Bay New World file is now available to view at the
offices of the District Licensing Agency, 101 Wakefield St, during normal
business hours.

I hope that the responses above address your additional queries.

Yours sincerely,



Helen Savage
Team Leader
Liquor Licensing

67

33

Absolutely

POSITIVELY

Wellington

13

31 March 2010

Strait Shipping Ltd
PO Box 1144
Wellington 6140

COPY

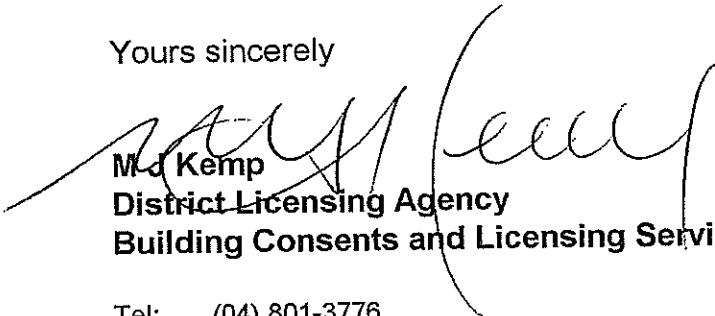
Attention: Siva Vasudevan

Dear Sir,

Applicant – Strait Shipping Limited, trading as “MV Bluebridge”, Glasgow Wharf, Wellington. On-Licence (Conveyance) Renewal application. (Ref: SR 96577).

Please find attached a copy of all the reports with regard to your application for the renewal of your On-Licence (Conveyance). The application has been forwarded to the Liquor Licensing Authority for determination.

Yours sincerely


Mike Kemp
District Licensing Agency
Building Consents and Licensing Services

Tel: (04) 801-3776
Fax: (04) 801-3012
E-Mail address: mike.kemp@wcc.govt.nz

CC: The Secretary
Liquor Licensing Authority
Tribunals Unit
Private Bag 32 001
Panama Street
Wellington 6146

Mr Bernard O'Shaughnessy
320 Mansfield Street
Flat 239
Newtown Park Mews
Newtown
Wellington 6021

68

APPLICATION FOR RENEWAL OF ON-LICENCE (CONVEYANCE)

**MV BLUEBRIDGE
GLASGOW WHARF
WELLINGTON**

Section 18 Sale of Liquor Act 1989

SR No. 96577

30 March 2010

INTRODUCTION

Strait Shipping Limited has made application for the renewal of its On-Licence (Conveyance) in respect of the vessel situated at Glasgow Wharf, Wellington, and known as "MV Bluebridge".

The applicant has supplied the following names, certificate numbers and certificate expiry dates for the certificated managers employed on the vessel:

Siva Kumar Vasudevan	068/GM/627/2004	3 December 2010
Lorna Mary Whinham	049/GM/367/2004	17 September 2010
Sumodh Pallparambil John	049/GM/460/2009	3 November 2010
Veronica Mary Raukawa	049/GM/105/2007	12 April 2011

The application attracted an objection from:

Mr Bernard O'Shaughnessy
320 Mansfield Street
Flat 239
Newtown Park Mews
Newtown
Wellington

Telephone: 021 205 3249

Mr O'Shaughnessy states in support of his opposition:

"I object to the following applications:

a) GH & AT Russell Ltd (Khandallah New World)

b) Strait Shipping Ltd

I object to these under the 1989 Act.

69

My objections generally are listed in the objection to Temperance Booze Barn and also well documented in the case O'Shaughnessy vs New World Newtown. Both of these applicants are unsuitable to hold a booze license.

In a) I expect to see immediate adoption of the results of O'Shaughnessy vs New World Newtown, as adopted by New World Island Bay, as ruled by the Liquor Authority on the 13 January 2010 and accepted by Foodstuffs General Manager as realistic reasonable standards for now, and the future.

In b) I expect to see the Police and Health authorities address the issue of booze on board, booze & drugs being shipped across the straight, booze and drugs being taken by staff, before, during and after the sailings as reported to me by one Michael Moala, staff member of Bluebridge. I understand that the drug and booze issue is as high as 25%. Passengers are at risk.

In b) above I also state that Sir Michael Fowler has told me, not once, but twice, that:

"the attitude and behaviour of the Captain/senior management in regards the sailings of these ferries is....a diaster waiting to happen"

Do we wait for a Tonga shipping crisis to happen here before the famous rugby world cup?

Given the reasons I now state, these two applications in particular, I will seek redress in the High court, unless the Authroity hear me.

Kindest regards

Bernard"

At 9.29 am, on Thursday 18 March 2010, Mrs Karen Binnie, Support Officer, District Licensing Agency, received a telephone call from Siva Vasudevan, Straight Shipping Limited, with regard to the copy of Mr O'Shaughnessy's objection.

Mrs Binnie recorded the discussion and completed a File Note, this stating: "I received a phone call from Siva Vasudevan of Straight Shipping regarding the notification of the objection from Bernard O'Shaughnessy which he received this morning.

He indicated that the staff member mentioned in the objection is a former employee who was terminated for the very reason stated in the objection and in fact this staff member would often turn up for work after drinking liquor.

I explained the process regarding the objection and thanked him for his input".

It is my belief that Mr O'Shaughnessy has not addressed the criteria set out in sections

19 and 22 of the Act as it refers to the renewal of On-Licences, nor do I believe that Mr O'Shaughnessy has proved that he has a greater interest in the application than the public generally, the generalised comments made in his objection lack sufficient detail.

As stated in the Liquor Licensing Authority Decision - *Liquor World Limited LLA PH 1189/2009* "Only people who have a greater interest in the application than the public generally can object. They can only object in relation to one or more criteria set out above. How people establish an interest in the application that is greater than any member of the public, is a matter of judgement. In this case the Inspector has suggested a circle with a radius of one kilometre within which an objector must reside or have a business that could be affected. We think that though the proposal is generous, it is a fair and realistic suggestion....."

Mr O'Shaughnessy does not live in close proximity to the subject premises, residing well over a kilometre from the applicant's premises.

The applicant does not seek to vary the conditions of its licence.

SUITABILITY OF APPLICANT

The applicant has not come to the attention of the District Licensing Agency and is considered suitable to continue to operate an On-Licence (Conveyance).

CONDUCT OF SALE & SUPPLY OF LIQUOR

The applicant has been operating the premises in accordance with the Act.

SECTION 20 REPORTS

The NZ Police, Medical Officer of Health and Environmental Health Officer report no opposition to this application being granted.

CONCLUSION

Accordingly, as Mr O'Shaughnessy does not address the criteria as set out in the Sale of Liquor Act, nor does he live in close proximity to the subject premises, I recommend the application for renewal of the On-Licence (Conveyance) by Strait Shipping Limited, trading as "MV Bluebridge", be granted and the licence be renewed for a period of three years.


Mike Kemp
INSPECTOR

DISTRICT LICENSING AGENCY

Tel: 801-3776

Fax: 801-3012

Email: mike.kemp@wcc.govt.nz

Karen Binnie

From: bernard O'Shaughnessy [bernardboss@yahoo.co.uk]
Sent: Tuesday, 16 March 2010 4:12 p.m.
To: Mike Kemp; Helen Savage; Karen Binnie
Subject: booze licenses
Follow Up Flag: Follow up
Flag Status: Red

Dear Mike:

I object to the following applications:

- a) GH & AT Russell Ltd (Khandallah New World)
- b) Strait Shipping Ltd

I object to these under the 1989 Act.

My objections generally are listed in the objection to Temperance Booze Barn and also well documented in the case O'Shaughnessy vs New World Newtown. Both of these applicants are unsuitable to hold a booze license.

In a) I expect to see immediate adoption of the results of O'Shaughnessy vs New World Newtown, as adopted by New World Island Bay, as ruled by the Liquor Authority on the 13 January 2010 and accepted by Foodstuffs General Manager as realistic reasonable standards for now, and the future.

In b) I expect to see the Police and Health authorities address the issue of booze on board, booze & drugs being shipped across the straight, booze and drugs being taken by staff, before, during and after the sailings as reported to me by one Michael Moala, staff member of Bluebridge. I understand that the drug and booze issue is as high as 25%. Passengers are at risk.

In b) above I also state that Sir Michael Fowler has told me, not once, but twice, that:

"the attitude and behaviour of the Captain/senior management in regards the sailings of these ferries is....a disaster waiting to happen"

Do we wait for a Tonga shipping crisis to happen here before the famous rugby world cup?

Given the reasons I now state, these two applications in particular, I will seek redress in the High court, unless the Authority hear me.

Kindest regards

Bernard

18 March 2010

9.29 am

I received a phone call from [REDACTED] of Strait Shipping regarding the notification of the objection from Bernard O'Shaughnessy which he received this morning.

[REDACTED]

I explained the process regarding the objection and thanked him for his input.



Karen Binnie
Liquor Licensing Support

INTER-OFFICE MEMORANDUM

TO: The Secretary, District Licensing Agency
FROM: Andrew Reid
SUBJECT: Health Clearance for Liquor Licence
REF: 96577
LEGAL ADDRESS: 0 **MOBILE LIQUOR LICENCES**, Wellington
DATE: 11 March, 2010

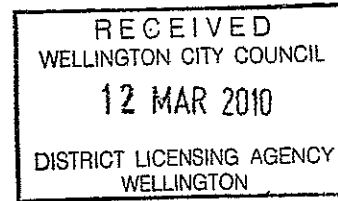
MV Bluebridge has a current Certificate of Registration.

I do not oppose the issue of a liquor licence for the above-named premises.

Yours sincerely,



Andrew Reid
Environmental Health Team
Building Consents and Licensing Services
Wellington City Council



10 March 2010

The Secretary
District Licensing Agency
Wellington City Council
P O Box 2199
Wellington
6140

Application for Renewal of Liquor Licence

Applicant: Strait Shipping Limited
To Trade As: MV Bluebridge Santa Regina

Jayne Parris, on behalf of the Medical Officer of Health, has inquired into the above application under the Sale of Liquor Act 1989. I visited the vessel on 09 March 2010 and spoke with Siva Vasudevan, Onboard Services Manager. The vessel is currently operating as passenger transport between the North and South Islands and their principal purpose is as a Passenger Ship. A questionnaire on Host Responsibility and Sale of Liquor Act compliance within the premises was completed with the applicant.

MV Bluebridge operates a café, bar and kiosk on board their vessels. All three of these areas provide food, only the bar provides alcohol and it is not permitted to remove any alcohol from this area. A variety of different foods are always available including pies, sandwiches, fries, muffins, burgers and other café style food. Soft drinks and hot drinks along with juices and bottled water are available at all times as well as a light beer option. Alcohol will not be served to any person who appears intoxicated or to any person under the age of 18. Proof of age identification is requested from any person wishing to purchase alcohol who appears under the age of 25. At the conclusion of the voyage, any passenger who leaves the vessel appearing intoxicated is offered safe/alternative transport at the terminal. If they have driven a vehicle on board, it is removed by one of the crew and parked at the terminal building.

The Medical Officer of Health is satisfied that management are aware of their responsibilities under the Sale of Liquor Act and there are no matters in opposition to this application.

The premises will continue to be monitored through night inspections.

Jayne Parris
Regulatory Officer
For the Medical Officer of Health

75

Karen Binnie

From: Jason.Thurston@police.govt.nz
Sent: Wednesday, 10 March 2010 7:03 p.m.
To: Karen Binnie
Subject: Fw: Nam, Balu and Bluebridge
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Nam Restaurant.rtf; Balu Restaurant.rtf; MV Bluebridge.rtf

Police no longer oppose these three

Regards

Jason Thurston
Sergeant G490
Alcohol Harm Reduction Office
Wellington Police

DDI 802 3727
Ext 49127
jason.thurston@police.govt.nz

----- Forwarded by Jason Thurston/POLICE/NZ on 10/03/2010 19:02 -----

From: "Jayne Parris" <Jayne.Parris@huttvalleydhb.org.nz>
To: <Jason.Thurston@police.govt.nz>, <Helen.Savage@wcc.govt.nz>, <Karen.Binnie@wcc.govt.nz>
Date: 10/03/2010 16:49
Subject: Nam, Balu and Bluebridge

FYI :)

Regulatory Officer/Health Promotion
Alcohol, Tobacco and Other Drugs
Regional Public Health
Private Bag 31-907
Lower Hutt

Telephone (04) 5709002
Direct Dial (04) 5709629
Cell 027 3361192
Fax (04) 5709211

jayne.parris@huttvalleydhb.org.nz

76

YAHOO!Xtra MAIL
Classic

Fw: Booze Licence - MV Bluebridge

Wednesday, 28 April, 2010 3:10 PM

From: "bernard O'Shaughnessy" <bernardboss@yahoo.co.uk>

To: sue.kedgley@parliament.govt.nz

(14)

Dear Sue,

Have watched with interest your recent support of the crisis situation in Picton and fully support you and locals on issue. It is something I have wanted exposed for some time but it is so damn hard to get matters out into the papers.

I attached something sort of related. It is about booze licensing, but the topic is more about the BlueBridge crew sailing whilst under the influence.

The Bluebridge fleet of boats are ready to sink from being unseaworthy, bad drunk seacrews, and poison cargoes! Great so all NZ National Conservatives want to do is sell everything, and close their eyes to problems of our society.

Have strength, fight on.

Kindest regards

Bernard

--- On Mon, 12/4/10, bernard O'Shaughnessy <bernardboss@yahoo.co.uk> wrote:

From: bernard O'Shaughnessy <bernardboss@yahoo.co.uk>
Subject: Booze Licence - MV Bluebridge
To: "Bruce Holmes" <Bruce.Holmes@justice.govt.nz>, Alan.bird@justice.govt.nz
Cc: mike.kemp@wcc.govt.nz
Received: Monday, 12 April, 2010, 2:21 PM

Dear Mr Holmes.

I have lodged an objection with the Booze Agency of WCC regarding the MV Bluebridge getting a Renewal of their on licence.

They have referred the matter to you for determination on the papers.

I now request you to:

- a) allow me to be heard on the papers
- b) allow a hearing of the papers as a matter of urgency.

Sometimes a society only gets one opportunity to do things right. This is it for this ferry and Wellington.

My objection to the Agency said two things:

- 1) The ferry staff are often boozed before they get on board, keep boozing on board, and are boozed when they get off.

17

By staff I say that is at all levels of staff, being kitchen staff, cargo hands, kitchen hands, seamen, officers and some of the captains.

I say this because I have documented evidence of such, as well as taped and wired conversations of staff.

I say this because of Michael Moala and his mates (such as Cory) and others I will name, provided me with such evidence of their own free will.

This ferry, in this fleet, and other ferries in other fleets, have a 'level of acceptability' of booze within and by the staff, during work hours.

I can tell you and show the video as how the staff pass the drug and booze tests required by the firm by swapping piss pots, falsely working scans to avoid detection, how it is easy to get a 'clean' doctors certificate to retain employment.

At a conservative figure this ferry goes to sea with 15% of its staff under the influence, and in applying the CLT as used by A. C. Neilson is really a 25% level.

That is too high. One drunk hung over drug infested captain is one too many.

The details needed in regards my objection are precisely minuted by Michael Moala and supported by other affidavits by present staff. The Police have the criminal record of Michael, before he went on board to serve, whilst he was on board, and since he has left.

Bluebridge Ferry should:

- 1) never have employed him
- 2) never have allowed him to work when he was drunk and drugged
- 3) never have supported him for so long at the expense of passenger safety and staff safety
- 4) never allowed him to work with the 'close shop' attitude persisting on this ferry in regards the "she'll be right" attitude regarding the use and mis use of drink and drugs.

Why did it take so long to sack Mr Moala? Because everyone associated with him protected him and supported him and were looking after their own drunk and drug rings.

He was on the game. The mates are still on the game on this ferry.

This ferry broke down in the sounds. An inquiry found it was bloody lucky that the ship didn't lose power as it did, out in Cook straight, or at other places in the sounds, as there would have been a major accident. We had another ship go down in the sounds didn't we, and a Russian seaman drowned, and that was a bit dodgy situation wasn't it?

This ferry owners, acknowledged that the 'record of maintenance' for the ship was a bit patchy.

WHAT?

I said are we waiting for another Tongan Ferry sinking. The Bluebridge is a scandal that could happen anytime, in our backyard. Anyone interested.

Let's start with the removal of their booze license.

78

We have just remembered the Waihine of 68.

Then there was the AirNZ orstrated pack of lies that the CEO says sorry after 30years.

Then we have now in 2009/10 society seeing Drunks in:

Cars, Planes, Rugby, trucks, buses, business, parliament
the Professions, Universities, farming, television, radio,
teaching,....well I am trying to think of somewhere where
there aren't drunks....the Catholic Church (no...there too)
.....that's a hard question to answer isn't it...so of course
by the statistics, and the CLT and the BCR that Dr Wayne
Stewart of OPUS used in the case of The City Is Ours (Inc)
against the Wellington City Council, to plan to dig up
Manners Mall, Reserve Decision pending from the Environment Court,
means that along with Police Commissioner Broad that I spoke with
at the Booze causes Crime Conference recently, I lot of people
in our society are now really worried about our general and specific
booze problems.

And the booze agency of WCC doesn't get it?

An agency officer only phoned the ferry, and was given a cop out sentence.
Excuse me it is not as simple as that. I excuse the officer, she only acts under delegated
instructions from the Mayor and Gary Poole of whom I hold totally responsible for the
booze drunken Courtney Place and booze infested streets of Wellington that ordinary
ratepayers have to put up with, but will no longer do so.

The ratepayers and taxpayers of Wellington did not give any mandate to Mare
Kerry & Poole to take us into debt as a city, nor have booze rugby sevens,
and drunken hundreds thrash the place 3 nights a week. As a late fall back position now
the WCC is rushing with urgency to consider a full city wide ban of booze. It that the
answer? But they, Kerry & Gary, and the big self interested stakeholders of the pubs, beer
brands, and property developers have made this situation.

How does this tie into my objection:

It's easy.

Also in my objection I said that in b)

"Sir Michael Fowler has told me, not once, but twice that:

*.....the attitude and behaviour of the captain/senior management
in regards the sailings of these ferries is.....a diaster waiting to happen."*

Therefore I say that an officer of the WCC Booze agency should ring
Sir Michael Fowler to discuss his statement to me. I have that on tape as well.

I have known Sir Michael Fowler for over 30 years. Before he was a Sir. I was closer to Lady
Barbara. But everyone in Newtown knows that in the last three years I have had a cup of
coffee once a week or fortnight, and we would walk
around and talk, argue about politics, he would draw and paint pictures of the many
beautiful houses and places of Newtown, he completed more that 60
pictures that are on show at his gallery in Thorndon.

Sir Michael will come to the booze authority, or the High Court.

We have a lot in common, but are politically opposite.

79

He was a client/customer of BAB and TIN DO.

So if someone like Sir Michael, as in his background as in being on the Ports Authority in Wellington, and as previous Mayor, says what he did say about the ferries shouldn't someone somewhere show an interest.

But, hold on, no one is going to cop out on this. The agency, nor the Booze Authority, nor the Police, nor Health nor anyone can say....it's not in my backyard.

I waited a long time to take the case O'Shaughnessy vs New World Newtown over their booze license, and won.

I have waited a long time to prepare myself for this case against the Bluebridge Ferry line, and other ferries. So it might be better to deal with it before the Booze Authority, than in the High Court. But I don't mind either way, as I like going to Court, as worked for many years in the Courts, and the Supreme court, so it's my home.

O...well...let's progress, moving forward.

Yours sincerely

Bernard

80

**SUBMISSION
NUMBER**

570

Sharon Bennett

From: Graham Kerr [Graham.Kerr@huttvalleydhb.org.nz]
Sent: Wednesday, 5 May 2010 2:28 p.m.
To: BUS: Policy Submission
Cc: Kirstin Lindberg; Lucy Butler; Ruth Richards
Subject: City-wide 24/7 Liquor Ban Submission from Regional Public Health
Attachments: City-WideLiquorBanMay2010.pdf

Please find attached our submission on the proposed City-wide 24/7 Liquor Ban.

Cheers,

Graham Kerr
Submissions Coordinator
Regional Public Health

This email has been scrubbed for your protection by SMX. For more information visit smxemail.com

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** Disclaimer added by HVDHB MailScanner **



5 May 2010

Liquor Control Bylaw Review Consultation
Policy Team
Wellington City Council
PO Box 2199
Wellington

policy.submission@wcc.govt.nz

Dear Sir/Madam

Proposal for a 24/7 city-wide liquor ban in public places

Thank you for the opportunity to provide a written submission.

Regional Public Health is a regional service based in the Hutt Valley District Health Board (DHB), but serving the Greater Wellington region. Our business is public health action - working to improve the health and wellbeing of our population and to reduce health disparities. We aim to work with others to promote and protect good health, prevent disease, and improve quality of life across the population. The Ministry of Health is our main funder and we also have contracts with the DHBs and other agencies to deliver specific services. Our staff represents a diverse range of occupations, including Medical Officers of Health, Public Health Advisors, Health Protection Officers, Public Health Nurses, analysts and evaluators.

We would appreciate the opportunity to make an oral submission. In the meantime we are happy to provide further advice or clarification on any of the points raised in our submission. The contact point is:

Lucy Butler
Public Health Advisor
Regional Public Health
Private Bag 31 – 907
LOWER HUTT
Telephone: (04) 570 9626
Email: Lucy.Butler@huttvalleydhb.org.nz

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'Ruth Richards'.

Dr Ruth Richards
Public Health Physician
Regional Public Health

A handwritten signature in cursive script, appearing to read 'Peter Gush'.

Peter Gush
Service Manager
Regional Public Health

RPH Position

RPH **supports** the implementation of a city-wide 24/7 liquor ban as one approach to the provision of a comprehensive Alcohol Management Plan. We commend Wellington City Council for its proactive approach and offer our support in developing and implementing this plan.

We suggest that the question that needs to be asked is 'Why do people need to drink on the streets'? Alcohol consumption on the streets creates an uncontrolled environment for those drinking in public places and those accessing public places. In order for New Zealand's drinking culture to shift to a culture of appropriateness and one without high levels of associated harm and social problems, public acceptance of public place drinking needs to change. A city-wide 24/7 liquor ban bylaw would be an appropriate tool and mandate for the community to inform enforcing agencies when behaviour is inappropriate.

Rationale

The issue of liquor, particularly its misuse, continues to generate significant public health and community concern. This concern is supported by research that identifies liquor misuse as a factor in a wide range of behaviours that have negative impacts on individuals and communities resulting in significant social and health harms and cost to the economy. Consumption of alcohol in public places is known to reduce perceptions of safety and to reduce safety in certain places. Associated problems are many and varied from antisocial and violent behaviour resulting in physical injury to vandalism and litter. Efforts to control the availability of alcohol in public places have been shown to prevent and reduce these types of alcohol-related problems¹.

A recent research sample from the Emergency Department at Wellington Regional Hospital indicated that 30 percent of intoxicated presentations are from the under-20 age group, with the majority occurring on Friday, Saturday and Sunday². The longer-term health harms from alcohol consumption are generally not as well known as the immediate effects of intoxication but put a heavy burden on the health sector in particular.

According to the Wellington City Liquor Control Bylaw Evaluation Report ambulance staff in Wellington reported attending fewer alcohol related incidents in public places where alcohol is currently banned, than prior to the introduction of the current bylaw³. This indicates that liquor control bylaws have an impact on reducing some of the harm associated with alcohol consumption.

Police have reported positive impacts from existing alcohol bans in a number of areas including the improved management of New Year celebrations and

¹ *Preventing Harmful Substance Use: The evidence base for policy and practice*. Stockwell, T., Gruenewald, P.J., Toumbourou, J. W. and Loxley, W. (2005). Chichester: John Wiley & Sons Ltd

² *Alcohol and Emergency Department: Focus on youth alcohol*. Quigley (2007). Sourced on 30 April 2010 from http://www.ccdhb.org.nz/Meetings/DSACpapers2007_11_13/infooly/Alcohol_and_the_ED.pdf

³ *Wellington City Liquor Control Bylaw Evaluation Report*. Sim. M., Morgan. E. and Batchelor. J. (August 2005).

decreases in reported serious crime, disorderly behaviour and criminal damage⁴. It is important to note that these bans were introduced as part of a number of different strategies aimed at reducing alcohol related harm.

Key informant data from the evaluation of the alcohol ban in Auckland City indicated that licensees generally felt alcohol bans made running licensed premises easier. There appeared to be fewer intoxicated people attempting to gain access to premises and fewer congregating to drink outside licensed premises⁵.

Liquor bans are now fairly common throughout the world. They are seen as a significant tool in the prevention and reduction of alcohol-related problems and increasing numbers of communities are seeking to use them.

Previous experience of limited liquor bans has shown that public place drinking just moved to another area outside the area of the ban. A city-wide 24/7 liquor ban in Wellington City addresses the issue of displacement within the city resulting from the current limited bans.

A community-action project on the Gold Coast specifically aimed at reducing alcohol-related violence and public disorder in and around public places examined the possibility of displacement of alcohol related violence to other areas in the region. It reached the conclusion that not only did displacement not occur in other areas but the behaviour improvement appeared to be re-directed into other settings⁶. This suggests that the introduction of alcohol bans over a wide area may influence community norms about appropriate behaviour.

Wellington City Council has the opportunity to be at the cutting edge of changing the drinking culture. A 24/7 city-wide liquor ban would contribute to the city's Community Outcomes, 'Wellingtonians will feel safe in all parts of the city' and also continues to support the vibrant café culture of Wellington City.

Issues and Solutions

There are many complex issues to address when implementing a Liquor Control Bylaw. RPH has investigated some of these issues and provided useful discussion.

Enforcement of a ban

One of the key findings from previous evaluations of alcohol bans is that they are far more likely to be effective when they are well enforced⁷.

A reasonable use of discretion is one of the defining features of New Zealand's style of policing liquor ban bylaws. RPH **recommends** that the Police are provided with specific guidance relating particularly to discretionary enforcement of the bylaw and are encouraged to consistently enforce it.

⁴ *Banning the bottle: Liquor bans in New Zealand.* Webb. M., Marriott-Lloyd. P., Grenfell. M.

⁵ *Research on alcohol related harm in Auckland City.* Shore Whariki. Greenaway.S. Conway. K. July 2006.

⁶ *Research on alcohol related harm in Auckland City.* Greenaway. S. and Conway. K. (July 2006)

⁷ *Research on alcohol related harm in Auckland City.* Shore Whariki. July 2006.

For example, guidelines for staff policing Auckland City's CBD liquor ban states "Discretion must be used at all times. If a person who is in breach of the ban complies with directions to either dispose of the liquor or move outside the prohibited areas, then a warning is appropriate"⁸.

RPH would like to suggest the introduction of infringement notices (instant fines) being issued to people in breach of the bylaw. An infringement notice system in the middle of the continuum between warnings and arrests avoids the issues of congesting the justice system and criminalizing people for a relatively minor offence.

Community Partnerships

Cooperation between stakeholders is key to achieving the aim of reducing alcohol related harm.

Community partnerships between police, local authorities, health and sometimes alcohol accords or liquor liaison groups are viewed as enhancing the effectiveness of liquor bans, especially where bans are used as one part of a wider strategy to reduce alcohol-related harm⁹.

Communicating a liquor ban to the community

RPH **recommends** the development of a strong communications plan focusing on increasing awareness of the implementation of any Liquor Control Bylaw. As indicated in the evaluation of the Wellington City Liquor Control Bylaw 2005 current signage is inadequate and public awareness is low¹⁰.

A common approach for ensuring a high level of awareness is for newly introduced liquor ban bylaws to be phased in, with a period of 'educational policing'. For example, when Christchurch's central city liquor ban was introduced the first breaches were responded to by police with cautions, which were designed to raise awareness of the new requirements, but not to penalise¹¹.

There is a need for liquor bans to be fairly vigorous during initial implementation then to become sustainable by way of self-enforcement by the community in the long term.

Addressing alcohol dependent street drinkers

RPH is particularly concerned about the impact a city-wide 24/7 liquor ban will have on homeless alcohol dependent street drinkers. For those who live on the street, private activities take place in a public space.

⁸ *Banning the bottle: Liquor bans in New Zealand*. Webb.M. Marriot-Lloyd.P. Grenfell. M.

⁹ Bijoux 2005, Alcohol Advisory Council, 2002, Alcohol Advisory Council, 2005a, Bennett et al., 2003, Greenaway et al., 2002, Conway, 2002, Webb et al., 2004, Homel et al., 1995.

¹⁰ *Wellington City Liquor Control Bylaw Evaluation Report*. Sim. M., Morgan. E. and Batchelor. J. (August 2005)

¹¹ *Banning the bottle: Liquor bans in New Zealand*. Webb.M. Marriot-Lloyd.P. Grenfell. M.

Research conducted by the Downtown Community Ministry in 2004 found that most people with backgrounds in homelessness and alcohol dependence do not choose this as a lifestyle and genuinely want to be housed¹². Yet they become caught in a cycle between the streets, police cells and hospital emergency departments because there is no other option.

RPH strongly urges the Council to explore options to address the issues of street drinking by the homeless and alcohol dependent.

In Australia, a city-wide strategy has been developed to treat public intoxication as a public health issue, rather than a criminal justice problem. The *Street Drinking Strategy 2006-2011* for Sydney says, "A strategy to reduce street drinking must address the health, housing and social needs of street drinkers as well as the act of drinking itself"¹³.

While the Sydney strategy does not include liquor bans, the overall focus is on the health and social needs of the individual. We strongly encourage and would support the Council to implement initiatives in support of this type of strategy.

Addressing youth public place drinking

RPH encourages the Council to explore additional strategies to curb underage and youth drinking in public places.

The ease of access to alcohol, boredom or lack of alcohol free activities contributes to young people gathering and drinking to excess. This issue cannot be addressed solely by regulatory measures. Council actions need to consider alcohol-free activities, foster parental awareness and responsibility as well as community and young person positive role modeling.

The nature of public-place drinking by young people raises the common issue of access to alcohol. New Zealand research indicates that young people have relatively easy access to alcohol with most acquiring it from parents, older siblings, peers and other adults. 54% of current drinkers acquire alcohol from parents¹⁴. Efforts to reduce underage drinking, therefore, need to focus on adults and must engage the society at large¹⁵.

Alcohol Management Plan

The implementation of a Liquor Ban Bylaw is one action within a comprehensive Alcohol Management Plan to reduce alcohol related harm in the city. The Plan needs to acknowledge that a change in societal and community attitudes, beliefs and customs around alcohol use, misuse and intoxication, is required before the issues can be solved.

¹² *Wet Housing: an accommodation option for people who have experienced chronic homelessness and long-term alcohol dependence*. Stephanie McIntyre 2009.

¹³ *Sydney Street Drinking Strategy 2006-2011*. Sourced May 2010 from <http://www.cityofsydney.nsw.gov.au/community/documents/Homelessness/StreetDrinkingStrategyMay07.pdf>

¹⁴ *Youth access to alcohol: A community action project to reduce the supply of alcohol to teens*. Sourced on 3 May 2010 from http://www.alac.org.nz/FileLinks/724_YATA-Presentation_KetilBruunPerth2005.43119cc1.pdf

¹⁵ *Reducing underage drinking: a collective responsibility*. Bonnie R, O'Connell ME. (eds) (2004) Washington, D.C.: National Academic Press.

RPH **recommends** the following points are included in the Council's alcohol management plan:

- The number, location and density of alcohol outlets
- hours of operation of alcohol outlets
- host responsibility expectations
- establishment of interagency local alcohol forums that include the alcohol industry
- the methods the DLA will use to monitor and enforce compliance with the plan and the legislation
- alcohol harm reduction strategy
- encouraging links with consistent approaches across neighbouring TLAs
- linkage to local Long Term Community Outcomes and LTCCPs
- other rules around the availability and sale of alcohol
- relationship of alcohol outlets to other community facilities including schools
- a social and health impact assessment for the locality on which to base further social impacts of any individual licence application
- a regular review period for the plans

These requirements, (obtained from reviewed evidence of effectiveness in community alcohol harm reduction) would ensure effectiveness and introduce rigour into overall alcohol management.

RPH **recommends** that the Medical Officer of Health, the Police and other interested bodies have input to the Alcohol Management Plan.

Conclusion

Thank you for the opportunity to provide feedback on the proposed change to the Liquor Ban Bylaw. We support the adoption of the bylaw as part of the Wellington City Council Alcohol Management Plan and wish to help the Council with its development and implementation. We strongly believe that that any strategy surrounding alcohol harm reduction targets the wider impact of alcohol use and misuse in the community, and issues that lead to misuse, in addition to targeting problematic public drinking.

RPH is happy to be involved in any future discussion about the issues raised and suggestions made.

SUBMISSION
NUMBER

360

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

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Submitter details

Name **J A DOUGALL**
Address **159 WASHINGTON AVE.,**
Address for notices **BROOKLYN, NGTN**
(if different from above)
Phone number Business **—** Home **970 76 33** Fax **—**

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

The binge drinking has got right out of hand. Until education is able to break this current "culture" I think the drinking needs to be inside buildings to discourage the often threatening behaviour which stops people like me feeling safe enough to walk around the streets

0.015

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- a) Newtown Yes No Unsure
- b) Mt Cook Yes No Unsure
- c) Other suburbs and/or areas Yes No Unsure

(If yes, please specify which suburbs/areas)

Comments:

Probably all areas otherwise the behaviours will simply shift to areas not controlled by the by-law. This situation is a shame but I think the Council really needs to act now.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

- Yes
- No

Comments:

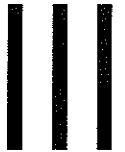
if required I will.

Deborah MBE

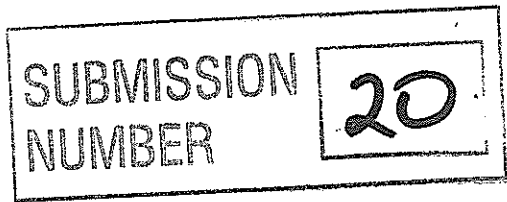
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FreePost Authority Number 2199



Liquor Control Bylaw Review Consultation (COC402)
 Wellington City Council
 PO Box 2199
 Wellington 6011



Sharon Bennett

From: webcentre@wcc.govt.nz
Sent: Tuesday, 30 March 2010 5:30 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Valerie
Last Name: Morse
Street Address: 1 Hudson St
Suburb: Island Bay
City: Wellington
Phone: 021-295-2138

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: There are very serious implications in terms of the NZ Bill of Rights in extending the liquor ban. I would encourage councillors to reconsider their support

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Comments: Liquor bans are not the way to solve this problem.

SUBMISSION
NUMBER

331

Absolutely

POSITIVELY

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, CI-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

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Submitter details

Name **MANU WARD**
Address **93/320 MANSFIELD ST, NEWTOWN, WGTN 6021**
Address for notices
(if different from above)
Phone number Business **021 2375395** Home **3892476** Fax

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

* AS LONG AS COUNCIL PUTS GREATER URGENCY ON SETTING UP
WETHOUSES FOR THE CHRONICALLY ADDICTED ALCOHOLICS IN OUR CITY.
PROPOSED
AS PART OF THE HOLISTIC APPROACH TO ALCOHOL MANAGEMENT.

* I THINK THIS IS A CASE WHERE "MIDDLE-NEW ZEALAND" NEED TO
SUBORDINATE THEIR PERCEIVED RIGHT TO DRINK IN PUBLIC FOR
THE SAKE OF CHILDREN IN POOR FAMILIES + COMMUNITIES
WHERE ALCOHOL IS PARTICULARLY DESTRUCTIVE.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|--|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) **BERHAMPORE**

Comments:

INCLUDING BERHAMPORE MAY REMOVE SOME OF THE ISSUES ASSOC. WITH SUBURB-BY-SUBURB APPROACH (PUSHING PROBLEM TO FRINGES). HOWEVER I AGREE WITH POLICE THAT A CITY-WIDE APPROACH WOULD BE MORE STRAIGHT-FORWARD

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

- Yes No

Comments:

Please continue on a separate page if necessary.

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FreePost Authority Number 2199

Absolutely
POSITIVELY
ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

Sharon Bennett

From: rachel.e.m.williams@gmail.com
Sent: Tuesday, 4 May 2010 5:40 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Rachel

Last Name: Williams

Street Address: 75 Ghuznee Street

Suburb: Te Aro

City: Wellington

Phone: 0212531948

Email: rachel.e.m.williams@gmail.com

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: on behalf of an organisation

Organisation Name: YWCA of Wellington and Hutt Valley

Do you support the proposed amendment: Yes

Comments: The YWCA of Wellington and Hutt Valley is making the following submission in support of the proposed amendment to the liquor control bylaw which will extend the bylaw city wide 24 hours a day, seven days a week

The mission of the YWCA of Wellington and Hutt Valley is to support women to make positive life choices and we are also guided by the World YWCA's theme for this year, which is 'women creating a safe and secure world'. We believe amending the liquor control bylaw contributes to the achievement of these outcomes for the following reasons:

- Restricting the consumption of alcohol in public places will contribute to a reduction in alcohol-related intimidation and violence and to the safety and security of young Wellington women.
- Reducing accessibility to alcohol will contribute to addressing the problem of alcohol abuse in our community and further reduce opportunities for young women to abuse alcohol, the achievement

884

of which also contributes to our safety and supports positive life choices.

- Restricting the consumption of alcohol in public places ensures that young women feel safe in, and have equal access to, public places.

The YWCA also supports the 5+ Solution (a set of policy directives based on the World Health Organisation sponsored, publication, "Alcohol: No Ordinary Commodity") outlined by Alcohol Action NZ and recognises the potential contribution of the bylaw to the achievement of action point three: reduced accessibility to alcohol.

Do you think the current bylaw should be extended to include Newtown: Yes

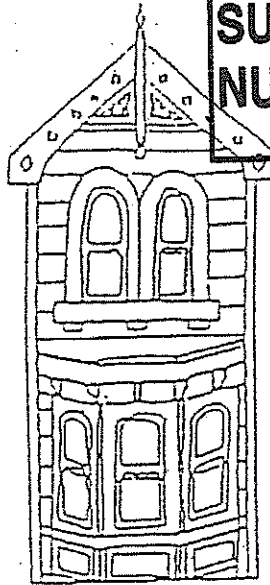
Do you think the current bylaw should be extended to include Mt Cook: Yes

Do you think the current bylaw should be extended to include other suburbs or areas: Yes

If yes, please specify which suburbs / areas: The YWCA is in support of the proposed city-wide bylaw.

**SUBMISSION
NUMBER**

500



**Newtown
Residents'
Association
(Inc.)**

PO Box 7021
Wellington South

President Steve Dunn

Ph. 934 6853 eve

Email. nrawgtn@yahoo.com.au

www.nra.wellington.net.nz

3 May 2010

Liquor Control Bylaw Review
C/- Policy Team
Wellington City Council
PO Box 2199
Wellington 6011

Email: policy.submission@wcc.govt.nz

Proposed amendment to the Liquor Control Bylaw

At the last meeting of the Newtown Residents' Association on the 21st April 2010, there as a majority view (with some against and 1 abstention) that the NRA supports the proposed amendment to extend the Liquor Control Bylaw for the Newtown and Mt Cook and Berhampore areas as shown on the plan Appendix 2 of the "Summary of Information".

Our community are currently going through a process to manage disruptive behaviour which in some cases results from drinking liquor. It is considered that the proposed bylaw amendment will assist the police to manage this behaviour and moderate unsocial acts within our community. We also think that this should not be the only tool available for agencies. We support initiatives of Council and other support agencies to provide social assistance but we understand that the funding for these worthwhile groups is being cut to very limited services.

We therefore ask that the Wellington City Council, in addition to passing this bylaw, continue to provide social assistance and support, push for Government funding for support groups and continue to improve our local environment so that the we as are a community are be proud of our home suburb.

The support for a ban in Newtown does not preclude the possibility of council implementing the amendment of the liquor control bylaw applying to the whole city.

We wish to make an oral submission.

Steve Dunn
NRA President

SUBMISSION
NUMBER

120

Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

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Submitter details

Name Peter Frater
Address 90 Britomart Street, Berhampore 6023
Address for notices
(if different from above) PO Box 20000, Newtown 6242
Phone number Business 027 942 1647 Home 972 9718 Fax 973 9718

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

While a good idea it could overshadow and frustrate the resolution of the immediate problem - drunken behaviour in Newtown.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|---------------------------------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) Any other area as the need requires eg Berhampore or Island Bay or Kilbirnie

Comments:

I support an immediate liquor ban in Newtown and Mt Cook.

I also support a mechanism whereby a liquor ban can be imposed by decree on an ad hoc basis and not have to use the current process of city-wide consultation to solve a particular suburbs problem.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

- | | |
|---|-----------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|-----------------------------|

Comments:

Please continue on a separate page if necessary

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FreePost Authority Number 2199



Liquor Control Bylaw Review Consultation (COCY02)
 Wellington City Council
 PO Box 2199
 Wellington 6011

Sharon Bennett

From: lawt@clear.net.nz
Sent: Wednesday, 5 May 2010 10:21 a.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Tom
Last Name: Law
Street Address: 134 Hanson St
Suburb: Newtown
City: Wellington
Phone: 3898202
Email: lawt@clear.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: Yes

Comments: The issues in Newtown require a 24/7 application as there are differing problems that a ban would address

daytime week day

* night-time particularly Thursday, Friday, Saturday nights

* after the closure of licensed premises - early morning

Do you think the current bylaw should be extended to include Newtown: Yes

Do you think the current bylaw should be extended to include Mt Cook: Yes

Do you think the current bylaw should be extended to include other suburbs or areas: Yes

If yes, please specify which suburbs / areas: Berhampore

Comments: As one of the people who initiated the proposal in terms of addressing the issue of the effects of consumption of alcohol in the Newtown area, I will supply an additional paper that

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can be attached to this online submission.

If the Council was to follow the implementation of a city-wide ban, that would help address the issue for Mt Cook/Newtown/Berhampore as as shown as Appendix 2 on the summary of Information document. If council didn't proceed with the city-wide ban then it is my my submission that council proceed with a ban for the area Mt Cook/Newtown/Berhampore as as shown as Appendix 2 on the summary of Information document.

I do not see the ban as being the answer to cure all the problems experienced in Newtown/Mt Cook/Berhampore, but it will along with other initiatives provide a tool to address the issues experienced in Newtown/Mt Cook/Berhampore south of the current liquor ban area of the CBD.

6 May 2010

T. E. Law,
134 Hanson St,
Newtown,
Wellington
Telephone (04) 3898202
Mobile 021 791337
E-mail lawt@clear.net.nz

Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington

PROPOSAL TO AMEND THE WELLINGTON CITY COUNCIL LIQUOR CONTROL BYLAW
MARCH 2010
SUPPLEMENTARY PAPER

This paper is to be read with the Online submission made by Tom Law on Wednesday 5 May 2010 at approximately 10.20am.

Background

Several years ago, myself and other residents, businessmen and businesswomen of Newtown became concerned about the activity about of people in Newtown and the impact that was having on the community and the ability of individuals to go about their legal activities such as walking on footpaths, using public facilities etc.

The Community for over a year worked with social and medical agencies and the Police to try to resolve issues so that citizens could go about their legal activity safely and not be harassed. In early 2009, recognising that problems were not being addressed, the community through the Newtown residents association talked about the possibility of a liquor ban being applied to the Newtown area (extending the liquor ban in the CBD southwards to include Newtown).

Enquiries were made with Council as to the process to be followed in the hope that a ban would be in place for the Summer of 2009/10. Advice received was that statistical data needed to be collected. That in reality meant a delay of at least a year, perhaps more. The Police prepared a analysis report for Council that showed incidents that had occurred in the Newtown area.

In February 2010, a public meeting was held in Newtown Hall, Daniell St Newtown. Attended by approximately 60 local residents and business owners, and following considerable discussion, the

meeting agreed to ask Council to implement a liquor ban in the Mt Cook, Newtown and Berhampore (north) areas.

Council staff prepared a report to the SPC meeting of 18 February 2010. The report presented three options

- The status quo
- A 24/7 ban across the city
- A 24/7 ban in Newtown (Mt Cook and Berhampore)

The Areas of problem

The areas identified as being of particular concern were:

- Area outside McDonalds , Riddiford Street
- Area outside Newtown Bakery on Constable St,
- Area of the playground (Corner of Constable and Riddiford Sts_
- Areas north and west of the playground on the corner Constable and Riddiford Streets.
- Area of footpath from bus stop (near Wilson St) to the corner of Constable and Riddiford Streets.
- Carrara Park

Other areas that are adversely affected are the areas towards the northern end of Newtown/Mt Cook prior to or outside the southern boundary of the CBD Liquor ban area, particularly Adelaide Road

The people involved

1. A relatively small number of people who have other medical problems and may or may not mix alcohol with other medication. These people (approximately 10 to 15 in number) consume RTD's and with continued consumption display antisocial behaviours that prevent citizens carrying out their lawful activity.

A number are social housing residents, persons who have been displaced by the CBD liquor ban and now live in Council housing in Newtown, are associated in one way or other with the providers of health services in the area

2. A group of people under 30 year olds who live in the southern suburbs and consume alcohol as they progress towards the city for Thursday, Friday of Saturday night drinking in Courteney Place. These buy alcohol at cheaper rates in the suburbs, consume it as they move toward the city centre. As they become increasingly under the influence, antisocial behaviour and damage to property occurs.
3. Those mentioned in 2 above returning to there homes in the early hours of the morning
4. Those who in groups frequent local areas to consume alcohol together. These areas include Carrara Park, local school grounds, and vacant sites, and darkened areas of the community. The issue with this group is the broken bottles, empty cans, glass and other debris that is left behind.

The behaviour

The behaviour complained of included:

- Excessive consumption of alcohol
- Abuse of people (particularly those younger parents using the facilities of the playground with their parents)
- Threatening and hassling of people passing by or sitting on the seats
- Littering – bottles, broken bottles, cans, cartons being left in playground or gardens
- Swearing/shouting at people passing by on foot or in motor vehicles
- Spitting on footpath, in playground and at people
- Urinating in public places
- Physical obstruction of passers by (which could well have resulted in complaints for assaults)
- Bludging for money
- Damage to property (vehicles, fences, building walls) etc.

The Package

A liquor ban is not seen as the solution to all the problems that are discussed above. It is but one tool that would be available to the authorities to deal with the behaviour that creates the antisocial behaviour.

For some (the group described in 1 above) there are a number of other interventions that go along with a liquor ban in addressing the issues and behaviours mentioned above. In Newtown, the Community is working with Council and the Police on a number of interventions. These include enforcement as well as working with other agencies, identifying areas that can be improved by redesigning, increasing lighting, by beautification works (planting, tidying, etc).

The Law

People have commented that there are in the law existing provisions that can be used to address the excess consumption of alcohol. The reality is that there isn't. The offence of being "drunk and disorderly" was revoked from the statutes in 1981. The situation is that it is only when an intoxicated person carries out some antisocial behaviour that inflicts harm on another can action be taken. That to me is the ambulance at the bottom of the cliff.

The Law Commission in their report "Alcohol in our Lives : Curbing the Harm" at recommendation R132 states "We do not recommend reintroducing the offence of public drunkenness"

Proposed option : Status Quo

The Law Commission in their report "Alcohol in our Lives : Curbing the Harm" comments extensively on the attitude that society has towards drinking and that it is more than just a medical problem. Society's attitude to the consumption of alcohol is ingrained and is not going to be easily changed. The report recognises the antisocial impact that the excessive consumption of alcohol has but does not identify ready solutions.

The status quo will not give any further tools to the authorities for the excessive consumption of alcohol and will not help to address the issues of Newtown.

Proposed option : Liquor ban for Mt Cook, Newtown and Berhampore

The area is that shown on the map Appendix 2 of the document "Proposal to amend Liquor Control Bylaw – Summary of Information" March 2010.

The amendment of the Liquor Control Bylaw to include Mt Cook/Newtown/Berhampore on the liquor ban area will provide a tool for the authorities to use to address that antisocial behaviour that currently occurs. As stated above, an alcohol ban is not seen as a solution to the problems on its own, It is however an intervention that can be used to address behaviours before harm occurs. It can be used as the "fence at the top of the cliff".

With other interventions, the liquor ban provides a more complete package for the community.

In Newtown there are few parks and no beaches that are used by the community for picnicking and the consumption of chardonnay or wine by families. The undertakings given by police that they would use their discretion is clearly understood and practiced regularly now in all enforcement situations.

A need has been demonstrated for the Mt Cook/Newtown/Berhampore area and I ask that Council proceed to amend the Liquor Control Bylaw accordingly. The extension into Mt Cook/Newtown/Berhampore complies with the additional requirements as specified in the Law Commission report at Recommendation R137.

Proposed Option : Liquor Ban City Wide

I have no problem with this proposal as if a liquor ban is applied to the whole city, the tool will be available to address the situation in Newtown.

However, I do have one major concern. That concern is that a local community should indicate whether that community wishes to have a ban placed over its area. I do not see it as my right to impose on another community eg Newlands, a liquor ban if there are no problems created by the consumption of alcohol in Newlands.

I note that the Law Commission in their report "Alcohol in our Lives : Curbing the Harm" at recommendation R137 recommends that liquor ban bylaws have requirements additional to the present. If Central Government was to implement this recommendation into statute, in the future, it would be very difficult to implement a city-wide liquor ban.

Proposed Option : Status Quo – additional comment

I believe that a case for Mt Cook/Newtown/Berhampore has been proven both in terms of the current criteria and that recommended by the Law Commission. If Council determines that the status quo should be followed, I suggest that such action cannot be taken. In such circumstances, Council only has the option of revoking the liquor ban application to the CBD, Aro Valley, Oriental Bay and the summit of Mt Victoria.

Conclusion

- 1) *I seek that Council amend the liquor Control Bylaw to extend the provision to ban the consumption of alcohol in public places to either cover*
 - a) City wide (if other communities agree); or
 - b) *Mt Cook/Newtown/Berhampore as defined on Appendix 2 of the document "Proposal to amend Liquor Control Bylaw – Summary of Information; or*
- 2) Should Council determine to follow the status quo option, revoke the liquor ban for the CBD, Aro Valley, Oriental Bay and the summit of Mt Victoria

I support and request the implementation of the option 1 b) above or Option 2 of the document "Proposal to amend Liquor Control Bylaw – Summary of Information March 2010"



Tom Law

SUBMISSION
NUMBER



Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name **David Wilcock**
Address **9 Trevor Terrace**
Address for notices **Newtown**
(if different from above)
Phone number Business **04 9391388** Home **04 9731388** Fax **04 9388571**

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

Large empty box for providing comments.

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2. As a result of consultation the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- a) Newtown Yes No Unsure
- b) Mt Cook Yes No Unsure
- c) Other suburbs and/or areas Yes No Unsure

(If yes, please specify which suburbs/areas) *Newtown.*

Comments:

Its important that Newtown has the liquor control bylaw to address the anti social behaviour caused by drinking alcohol in public

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

I would like to give an oral submission as I am a resident and business owner in Newtown.

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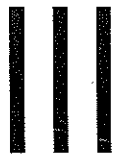
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WELLINGTON CITY COUNCIL **Wellington**

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Liquor Control Bylaw Review Consultation (COC402)
Wellington City Council
PO Box 2199
Wellington 6011

**SUBMISSION
NUMBER**

548

Sharon Bennett

From: ggh@vodafone.net.nz
Sent: Wednesday, 5 May 2010 1:49 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: GG
Last Name: Heitmann
Street Address: 81A Overtoun Terrace
Suburb: Hataitai
City: Wellington
Phone: 021528076
Email: ggh@vodafone.net.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: No

Comments: The proposed amendment is a terrible idea for several reasons:

You propose to throw out the baby with the bathwater, by making illegal all sorts of lovely social activities that are positive, for the sake of reducing the visibility of some bad apples. You say that these activities will go on - just alcohol-free, but you know full well that they will be greatly reduced. The get-together with mates over greasies and beer will take place in the back garden instead of at the beach, and turn into staring at a dvd instead of playing a bit of cricket. Do you consider that an improvement?

Exposure to alcohol isn't the awful thing that you are making it out to be - it's a valuable part of socialization. In much of the US, drinking in public is illegal, and american drunks are real bastards, not like the mostly jolly lot we have here. You have the potential to start Wellingtonians down the track of being much less awesome than they currently are. As government officials, you may not think much of the people you oversee, but they are, in fact, very cool.

The problems you are trying to eliminate are already illegal. Enforce the relevant laws. Alcohol may have a correlation with the problems you refer to, but so do many things. For instance, a curfew for

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people under 60 years old, or cutting off everyone's left leg at birth would reduce people's ability to commit crimes, but these ideas are obviously stupid. The alcohol ban is also misguided in the same way, just to a much lesser degree.

Related to this, I expect enforcing this law will further damage the perception of the police force, which already struggles with being perceived as more interested in writing tickets than catching burglars. The police officers I have met in person seemed genuinely concerned with promoting the public good, and it's unfair to saddle them with enforcing your social agenda.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

Sharon Bennett

**SUBMISSION
NUMBER**

585

From: Kevin McCormack [kevinmac@actrix.co.nz]
Sent: Wednesday, 5 May 2010 4:31 p.m.
To: BUS: Policy Submission
Subject: Proposal to amend Liquor Control Bylaw
Attachments: NZCCL - Submission to WCC.doc

I attach the submission from the New Zealand Council for Civil Liberties. Please note that the Council wishes to make an oral submission on 20 May.

Regards.

Kevin McCormack
Secretary/Treasurer

5 May 2010

Liquor Control Bylaw Review
C/- Policy Team
Wellington City Council
P O Box 2199
WELLINGTON 6011

[by E-Mail]

PROPOSAL TO AMEND LIQUOR CONTROL BYLAW

INTRODUCTION

The New Zealand Council for Civil Liberties (NZCCL) welcomes the opportunity to make a submission in relation to this proposal.

The current Bylaw prohibits the consumption and possession of liquor in certain designated areas. The original designated area (being the Wellington central area) was extended in 2007 and 2008 (where a total of 4 additional areas were included). This proposal seeks to extend those designated areas to include a further 17 suburbs, and its maximum effect is to encompass the entirety of Wellington City.

NZCCL notes that the commentary accompanying the proposal refers almost exclusively to the consumption of liquor, and that all the associated behaviour and harm is a direct consequence of the consumption of liquor.

NZCCL considers that the power to make bylaws authorised by S.147 of the Local Government Act 2002 was intended to have its application limited to those areas where there was demonstrable need, and that a proposal to extend that application on a city-wide basis is probably *ultra vires*.

NZCCL has considered both the Summary and the Statement documents and will address our comments to 3 aspects as follows -

1. a perceived change in emphasis from consumption and possession to possession and consumption, and a need for specific clarity in relation to possession of unopened liquor;
2. the width of the proposed extension; and
3. the impact of the power, without warrant, to search and seize liquor.

COMMENTS

1. Where liquor has or is being consumed NZCCL accepts that other liquor, whether opened or
- 2.

unopened, is properly subject to the existing Bylaw. However, where there has been no consumption and no liquor opened, NZCCL considers that any intervention at that stage, apart from a reminder that no alcohol is to be consumed in the designated area, lacks legitimate justification and is little more than a heavy-handed intrusion into the freedom of movement of citizens. There is no statement, let alone evidence, that the possession of unopened liquor alone causes, or could cause, anti-social behaviour or the like. Clarity as to this particular situation needs to be ensured so that citizens are aware of what they are entitled to do rather than of what they are prohibited from doing.

2. NZCCL considers that a proposal to incorporate in one swoop a further 17 suburbs within the ambit of the Bylaw is a breath-taking abuse of power. Where there has been a demonstrable need an extension may be justified, but that is clearly lacking in respect of many of the additional suburbs.

NZCCL acknowledges that all citizens and visitors expect that, apart from exceptional and usually limited circumstances, they can in general move with freedom and with safety within their city. It is quite clear that the proposed extension to the existing bylaw (whether city-wide or limited) will restrict the rights and freedoms of every citizen and visitor. The comment that the proposed bylaw does not prevent activities but rather requires them to happen without liquor is rather glib, and ignores completely the widespread acceptance and use of alcohol in daily living, and the generally responsible attitude of the majority of citizens.

For example, a city-wide ban would make it virtually impossible for a family to have a glass of wine at a picnic or a group of young men to have a beer with their fish and chips after a game of touch rugby at a park. The proposal even extends to a barbeque with a few beers at Makara beach. These events often occur with minimal advance planning and there is really no scope to make an application for written permission which would clearly take some time to process as well as incur a cost. NZCCL considers that a majority of persons consume alcohol in a responsible manner when they undertake these kinds of activities, and to propose to ban them completely and over such a wide spread catchment area is heavy handed and unnecessary.

The extent to which the perception that the city will somehow both be safer, healthier and more vibrant as well as enable wider community use of public amenity because of an extended liquor ban is questionable. It appears that more people have complained rather than supported the *status quo*, but the number of people overall who have made any contact with the Council is likely to be a very small proportion of the citizens who live in the city. What is the reasoning whereby the Council is proposing to permit the perception of the limited minority to change the landscape for the significant majority? Further, how many of the Councillors have direct experience of adverse alcohol sourced ill conduct in their own residential area, and to what extent, if at all, have they become more fearful as a result?

3.

3. The most significant area, from the perspective of NZCCL, is the potential impact of the power of the Police, without warrant, to search a container or a vehicle that is in, or is entering, a public place. S.170 of the Local Government Act 2002 requires the Police, before exercising a power of search, to inform the person in possession of the container or vehicle that they have the opportunity of removing the container or vehicle from the public place and then provide a reasonable opportunity to do so.

In practical terms it may prove to be extremely difficult for a person who has a container but no vehicle to be able to leave the entire city, so even being in possession of unopened alcohol may mean that it is seized (refer to earlier comments about unopened alcohol).

However, the extent of the proposed alcohol free area is such that the Police can legitimately endeavour to search any vehicle anywhere in the city at any time. There is no suggestion that the Police have or will exercise this power other than in an appropriate manner, but the fact that it exists provides scope for its potential misuse in the future.

NZCCL notes that the Police have provided assurances about the use of discretion and the type of behaviour they will focus on when using this tool. Further, Inspector Perry states "It is not the

intention of officers to spoil the fun. Officers have and will continue to take a time, place and circumstance approach liquor bans and generally, there would have to be a complaint, something sensible drinking was unlikely to attract.” Police enforcement guidelines will be revisited to ensure they clearly reflect this approach.

NZCCL considers that if the Council is minded to make any change to the existing Liquor Control Bylaws, it incorporate the Notes set out in Appendix 1 in both the Proposal and Statement documents, and in particular expand the detail relating to S.170 to state “before exercising the power of search in relation to a container or a vehicle, the Police inform the person in possession of the container or vehicle that the person may remove the container or the vehicle from the public place, and that reasonable opportunity to do so will be provided”. A further note that where there is only unopened liquor in the container or vehicle a warning that the liquor must remain unopened within the designated area also needs to be included.

SUMMARY

NZCCL considers that -

1. any extension to the alcohol liquor ban is only justifiable where there is significant, substantive evidence. The width of the proposed ban and its extension on an arbitrary basis is unwarranted, and is also probably *ultra vires*;

2. clarity be provided where there is only unopened liquor in the container or vehicle, and in the manner in which the Police are to exercise their power under S.170 of the Local Government Act 2002; and

4.

3. information be provided as to the discretion and the type of behaviour on which the Police will focus.

ORAL SUBMISSION

NZCCL wishes to make an oral submission.

Yours faithfully

Kevin McCormack
SECRETARY/TREASURER

**SUBMISSION
NUMBER**

494

Sharon Bennett

From: victordavie@hotmail.com
Sent: Tuesday, 4 May 2010 8:17 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Victor

Last Name: Davie

Street Address: 4 Claremont Grove

Suburb: Mt Victoria

City: Wellington

Phone: 021078774

Email: victordavie@hotmail.com

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: Yes

Comments: Please include my letter, photographs and summary of liquor signage problems sent to Mayor Prendergast on 22 December 2008 as part of my submission.

3. Liquor Prohibition

3.1

I consider that the aspect of drinking alcohol in motor vehicles needs to be emphasised greater by having this under a separate heading. To include "The consumption of alcohol is prohibited in motor vehicles when stationary or mobile".

Wording as set out in 3.1 is incorrect. The possession of liquor is not prohibited in a public place if it remains unopened and is being transported (carried) to and from licensed premises.

Enforcement

I think there should be a procedure for the police to follow. At present people are given the option of

UPH

tipping the contents out, removing unopened containers promptly (take home) or be arrested. Is there a fine if arrest and court action follows?

Discretion to Enforce

Various people have often complained about the habits of a person living permanently on the street in Courtenay Place. It is evident that the police have virtually given up on this person as they appear reluctant to ever visit and uphold the liquor ban let alone complaints of indecent exposure. They have my sympathy. But to the general public and especially young persons seeing bottles of wine and beer being drunk on the footpath makes the liquor ban in the central city look as being very ineffective.

Should the Council decide to implement a total ban as suggested in Option 1, then this must be upheld and acted upon. Perhaps it is timely to consider having total bans in key problem areas and having discretionary zones where Police can use their discretion. I hope to provide further details of this during my oral hearing.

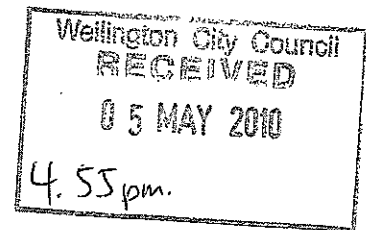
Do you think the current bylaw should be extended to include Newtown: Yes

Do you think the current bylaw should be extended to include Mt Cook: Yes

SUBMISSION 5 May 2010

Proposal to amend Liquor Control Ban Bylaw

From Victor Davie
P.O. Box 19091
Wellington
victordavie@hotmail.com



(Please include with this submission my letter and report sent to Mayor Prendergast 22 December 2008 regarding the inadequacy of signage for Oriental Bay and Lambton Harbour).

Wellington Consolidated Bylaw 2008 Part 4 Liquor Control

1. Purpose

1st paragraph

"It applies to all public spaces in Wellington City".

Comments

For some people Wellington City is "the city" and not necessarily the distant rural areas such as Makara etc. While it is accepted that the map for Option 1 identifies the whole area, hopefully all submitters were aware of the extent of this particular option.

2nd paragraph

"The purpose of this bylaw is to address concerns relating to potential offending and safety concerns that are linked to the possession or consumption of liquor in public places".

Comments

Whilst the intention of this statement is for the public good, unless the existing policy is acted upon then there is little hope that by introducing a wider area this will make any difference. There is a person living on the footpath 24/7 in Courtenay place that drinks alcohol, smokes and snorts drugs openly in public and calls out obscenities and makes strange noises. This is frightening to children and adults and conveys to people that the liquor ban is pointless. Complaints are made to the police but they seldom bother to respond.

3. Liquor Prohibition

3.1 "The consumption or possession of liquor in any public place (including while in a vehicle), is prohibited within Wellington City. This prohibition is effective at all times".

Comments

Often cars are seen cruising about the city with young passengers and even the drivers consuming alcohol. Signage should clearly state that this is illegal and the authorities should be more vigilant. I would add "including while in a vehicle whether stationary or in transit".

5. Signage

Comments

It is unfair that tourists, visitors and even local people can often be unaware of the liquor ban in the Oriental Bay and Lambton Harbour areas such as Waitangi Park. There are no sign placed in strategic areas such as stepped entrances to the beach etc. I recommend wording on all signs be less and altered to convey a more direct and understandable message.

Other Issues

1. Council's Vision

On page 3 of the proposal for a 24/7 city-wide ban it states (The Council's View) that "The Council's goal is to reduce alcohol-related harm in support of its vision that Wellington be a safe, healthy, vibrant city for people to work and play in". I support the Council in taking measures to come to terms with liquor problems. The police surely must have an impossible task through the excessive hours of the supply of alcohol and drunken behaviour throughout Courtenay Place. I shall not digress further at this point but will say that the Council's foregoing statement about alcohol related harm must be addressed quickly.

2. Enforcement

It is understood that the police will ask persons when apprehended to tip out the contents of opened containers, or remove unopened containers promptly. If they refuse the offender will be arrested. At the time of writing, I am unaware of any fine that is relevant to breaches of the liquor ban. Could an instant fine be helpful? Perhaps it would be best for the police to cease unopened containers from persons caught drinking rather than they move on elsewhere to resume drinking. In these more difficult times some light refreshments for the city's charitable organizations during Christmas dinners would likely be appreciated.

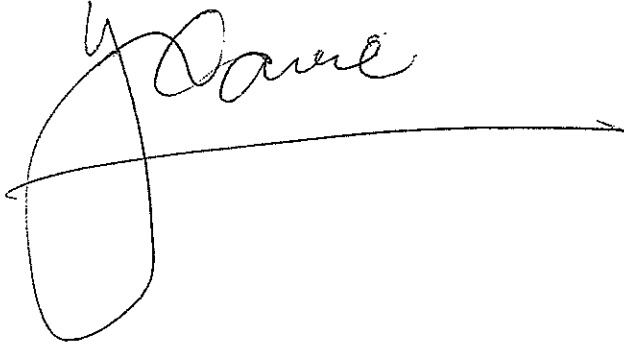
An alternative method for the enforcement of a city-wide ban and to gain acceptance from the public could be to have two forms of zones:

1. Total liquor ban zones
2. Discretionary zones

Total ban zones would apply to high use areas such as Courtenay Place / inner city and all streets including suburbs. The police would be required to provide enforcement without discretion.

Discretionary zones would enable the police to use their discretion in areas such as beaches, the Botanical Gardens and parks. Thus enabling people to enjoy a drink but to be mindful that excess and poor behaviour will make them liable to being in breach of the law.

I wish to make an oral submission.



Y. Dave

494

28 January 2009

COPY

Mr Victor Davie
PO Box 19091
WELLINGTON

Dear Mr Davie

Thank you for your letter of 22 December regarding the introduction of the 24/7 Liquor Control Bylaw and its enforcement.

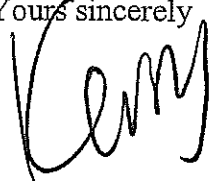
As I am sure you are aware, the bylaw was introduced as an early intervention tool to improve safety and reduce violence associated with drinking. It is proving very effective, particularly in terms of reducing late night violence.

The Police (as the enforcement agency) tell us that since the bylaw has been in place, confusion around hours of enforcement is eliminated and compliance in general has hugely improved.

We plan to review the bylaw this year, including looking at its effectiveness in terms of compliance and the issue of displacement – ie those drinking simply moving out to adjacent suburbs – and I have asked staff to consider your suggestions in the review process.

We will also review the placement of signs ie how effective they have been in terms of informing the public. As you can appreciate, there are many views on how we should advise and educate the public but the consistent hours and blanket coverage of the central business district has made this a great deal easier.

Thanks again for taking the time to write.

Yours sincerely


Kerry Prendergast
MAYOR

Business Unit
11011

23 January 2009

Mr Victor Davie
PO Box 19091
Wellington

Email: victordavie@hotmail.com

DRAFT

Dear Victor

Thank you for your recent letter regarding the introduction of the 24/7 Liquor Control Bylaw and its enforcement.

As I am sure you are aware the bylaw was introduced as an early intervention tool to improve safety outcomes and reduce violence. It is proving very effective and appears to be reducing violence later in the evening.

As the enforcement agency, the Police tell us that the introduction of the 24/7 bylaw appears to have removed confusion around the hours and generally compliance has improved greatly. We plan to conduct a review of the bylaw during this year and part of that will be to review its effectiveness in terms of compliance and whether there has been any displacement. We will also use the review to assess the placement of signs and how effective they have been at informing the public. As you can appreciate, there are many points of view about how we should advise and educate the public on enforcement issues. The consistent hours and blanket coverage of the central business district has made this messaging a great deal easier. I have asked the review process to consider your suggestions.

Thank you once again for taking the time to write to me.

Yours sincerely

Kerry Prendergast
MAYOR

23 December 2008

Mr Victor Davie
PO Box 19091
WELLINGTON

Dear Mr Davie

On behalf of Her Worship the Mayor, Kerry Prendergast, thank you for your letter received 22 December regarding the Liquor Ban bylaw.

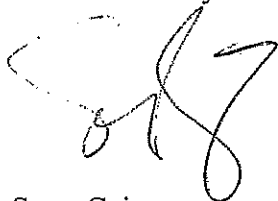
The Mayor's office will close on 24 December at noon and will re-open 6 January 2009.

The Mayor tries to respond to all correspondence within ten working days, but since your letter arrived two working days from the time we are closing, you can expect a reply to your letter as soon as possible after 6 January 2009.

If you would like to check on the status of your reply, please don't hesitate to contact me using the details below.

Hope you have a wonderful holiday.

Yours sincerely



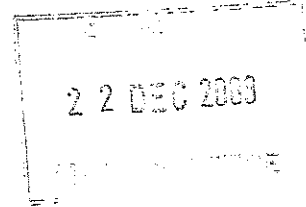
Suzy Cain
Information Co-ordinator
Office of the Mayor
suzy.cain@wcc.govt.nz
801 3101

P.O. Box 19091
Wellington

victordavie@hotmail.com

22 December 2008

Mayor Prendergast
Wellington City Council



Liquor Ban Bylaw 2008

Dear Kerry

I would like to take this opportunity to express my thanks to you and councillors for the introduction of the 24/7 Liquor Ban bylaw.

The Dominion Post's 15th December front-page headline "Weekend of drunken mayhem," has inspired me to forward direct to you some recent concerns together with recommendations for improvements regarding the new liquor ban areas in Oriental Bay, the waterfront and Mt Victoria lookout.

To achieve compliance and enforcement there needs to be a thorough rethink on the placement of liquor ban signs in all key areas.

I trust the enclosed document and photographs will enable your staff to make improvements and ensure that the bylaw is an on-going success for the city. As a matter of courtesy I have forwarded a copy to the Lambton ward councillors.

Yours sincerely


Victor Davie

Smy,
Helen to draft
a reply.

**LIQUOR BAN BYLAW 2008
OBSERVATIONS AND RECOMMENDED IMPROVEMENTS
FOR WELLINGTON CITY COUNCIL**

victordavie@hotmail.com

PO Box 19091 Wellington

Throughout this report all recommendations are detailed in bold print. It is hoped these will be helpful to council staff.

On Sunday, 7 December, during a late afternoon walk it became obvious that the liquor ban was not being adhered to throughout Oriental Bay. The attached photographs were taken of some people drinking on the beach and promenade. Considerable quantities of empty bottles and cans were piled up in rubbish bins. These factors must surely indicate that most people are unaware of the ban here.

I have since reviewed the location of signs and found very few have been installed. Most are spaced considerable distances apart as shown on the attached overhead plan of Oriental Bay. Comments on the photographs taken of signs are as follows:

1. Single-sided facing south and not on the actual promenade. Unseen by most people. **A sign be erected at the beginning of the Clyde Quay Boat Harbour promenade.**
2. Double-sided and adjacent to the band rotunda but rather high up and partly obscured by trees. Unable to be seen from beaches. **Consider removing should signage be upgraded in other areas on Oriental Parade.**
3. Single-sided facing east on a pole near the Carlton Gore Road junction. Out of sight from the many car parks to the west of the sign. **To be double-sided.**
4. Nearby the exit from Oriental Terrace, and unable to be readily seen from the beach. Being single-sided it has little impact in alerting people using the surrounding grassed areas. **Retain but move to a more central location and become double-sided.**
5. The sign to the south of the Mt Victoria lookout is poorly positioned and it's doubtful if anyone would see it. I consider that the other sign on the north face is too far from the actual lookout to have any real significance. Unfortunately I don't have a photograph of that sign. **The southern sign to be turned at right angles to the track leading to the lookout and be double sided. An additional sign be erected closer to the lookout facilities.**

Two more single-sided signs are located near the Point Jerningham entrance to Oriental Parade – not photographed. One at the entrance on the bend, the other a short distance further west. Seating and picnic areas are on the other side of the road. It is unlikely people using these facilities would be aware of the bylaw. **Consider also having signs within these picnic areas.**

No signs have been installed in Waitangi Park, the Overseas Passenger Terminal, or the newly created open space areas adjacent to Freyberg Pool. Apart from one only single-sided sign opposite Willeston Street facing to the north, there are no others in Frank Kitts Park or anywhere else throughout the entire waterfront. **Sufficient signs to be installed in Waitangi Park, the Overseas Passenger Terminal, Frank Kitts Park & promenade, the Freyberg Pool beach, pier and grassed areas. Also anywhere on the waterfront considered necessary to achieve compliance.**

Five different flights of steps provide direct access to the beach from the Oriental Parade promenade. These facilities don't have liquor ban signs displayed although most do have "dog free" information attached. I am convinced the lack of liquor ban signs at these strategic points is the major cause of non-compliance throughout Oriental Bay. **All public entrances (steps) to the beach to have appropriate liquor ban signage displayed to alert users. Some signs should also be attached to the interior of the sea wall. These will be seen clearly by people while on the actual beach and help eliminate any excuses for non-compliance.**

Maximum penalty information should be detailed on signs to convey the consequences for non-compliance. Signs don't mention that the consumption of liquor in motor vehicles is also banned. It is not uncommon to see passengers in cars moving about the city or parked up doing so. **Signs to include the maximum penalties for an offence and that the consumption of liquor in motor vehicles is prohibited.** Please refer to signage photograph number 6.

Police support for the liquor-free ban is crucial in these popular areas especially during summer with large crowds in attendance. At present a genuine lack of awareness of this bylaw in some areas could make enforcement measures difficult. The elimination of uncertainty through greater public awareness should be of considerable assistance to the authorities in carrying out their duties. Improved signage will go a long way towards ensuring on-going success of the liquor ban bylaw.

Overhead plan & 12 pages of photographs attached



Disclaimer

Property boundaries Land Information NZ
License V1103254722 Crown Copyright Reserved
Accuracy in urban areas: +/- 1m
Accuracy in rural areas: +/- 50m
Other information generally +/- 1m accuracy.

Other data has been compiled from a variety of sources and its accuracy may vary.

Any features displayed are only approximate and should not be used for detailed engineering design.

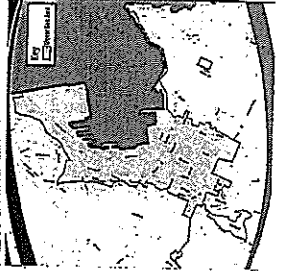
Tropicographic data:
Wellington City Council
WCC Copyright Reserved.

© Crown 2008 - Statistics NZ.



Location of Oriental Bay liquor-free signs.

Absolutely
POSITIVELY
BE HERE IN POSITIVE
WELLINGTON CITY COUNCIL



1.

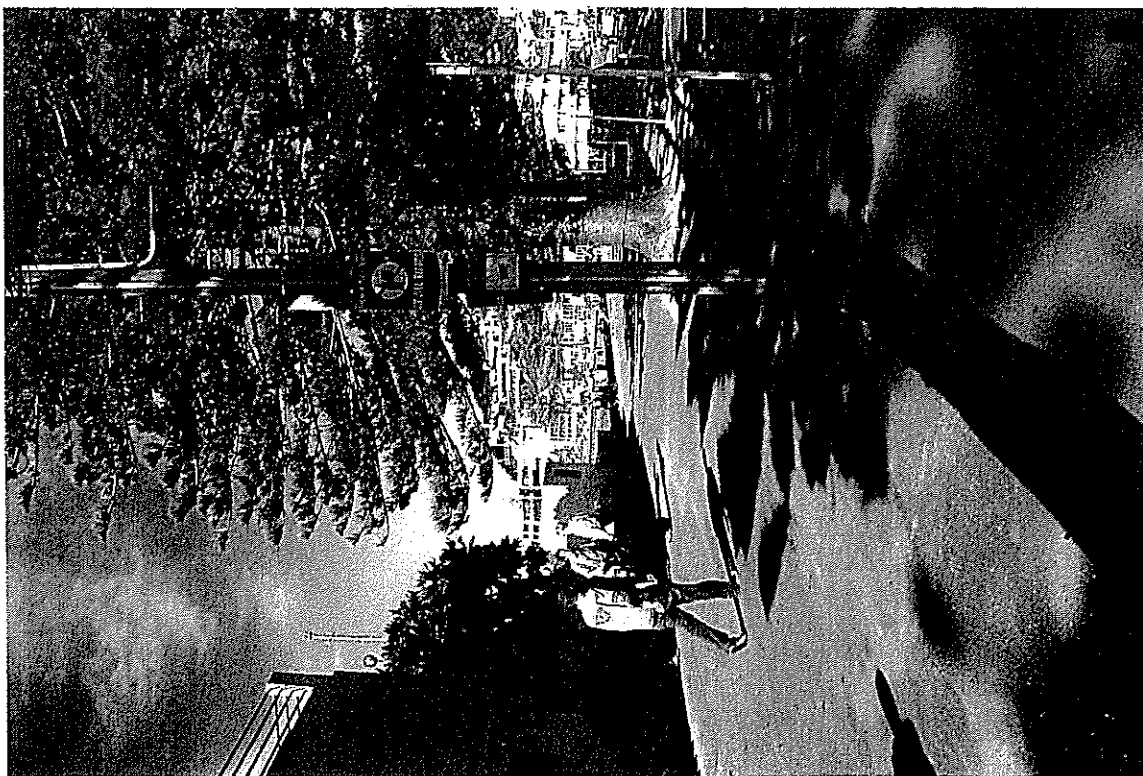
Sign 1.

South of Herd Street before the Clyde Quay Boat Harbour promenade.



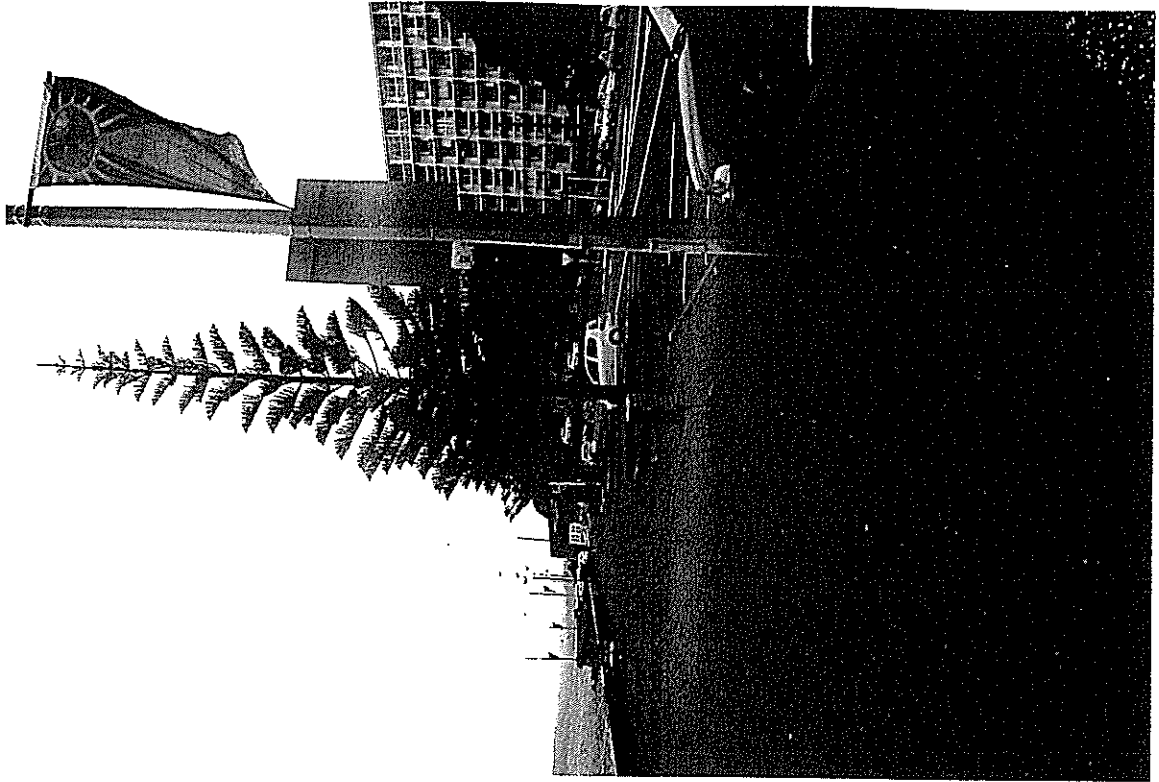
Sign 2.

Opposite the band rotunda.



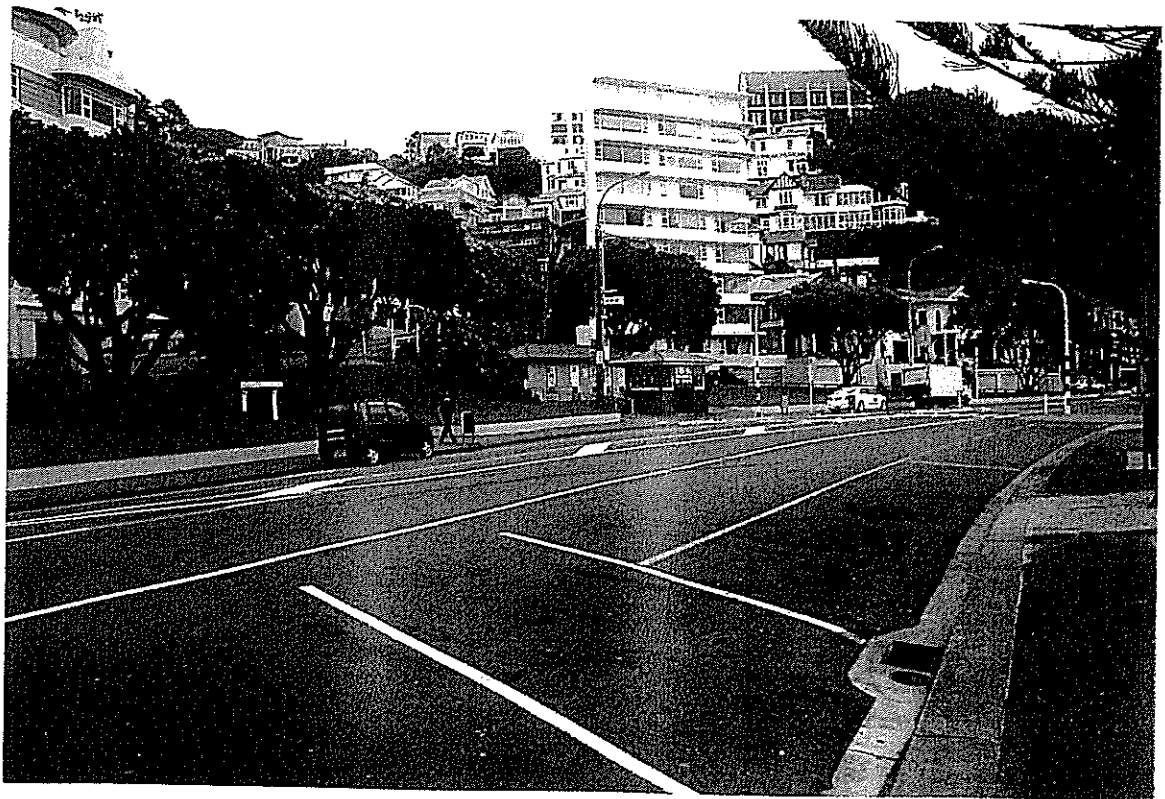
Sign 3.

Near Carlton Gorge Road.



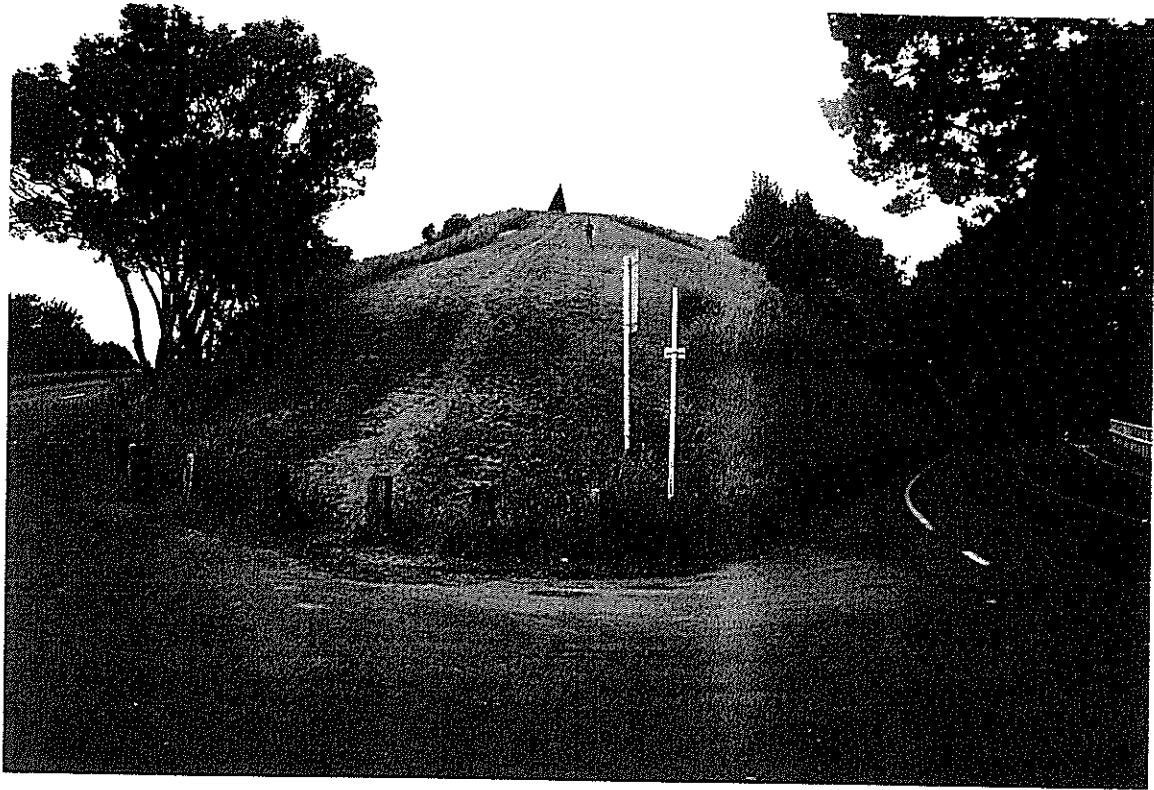
Sign 4.

Sign near to exit of Oriental Terrace. Can just be seen on extreme right.



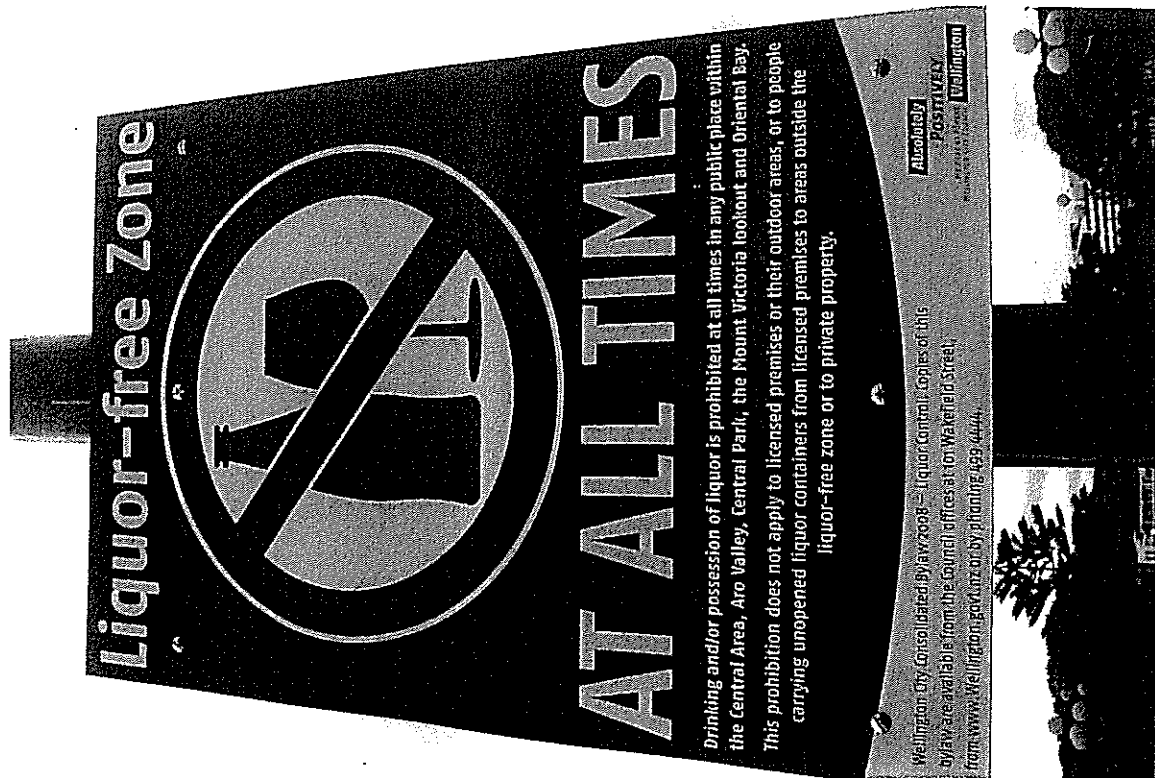
Sign 5.

South end of Mt Victoria lookout and poorly positioned.



Sign 6.

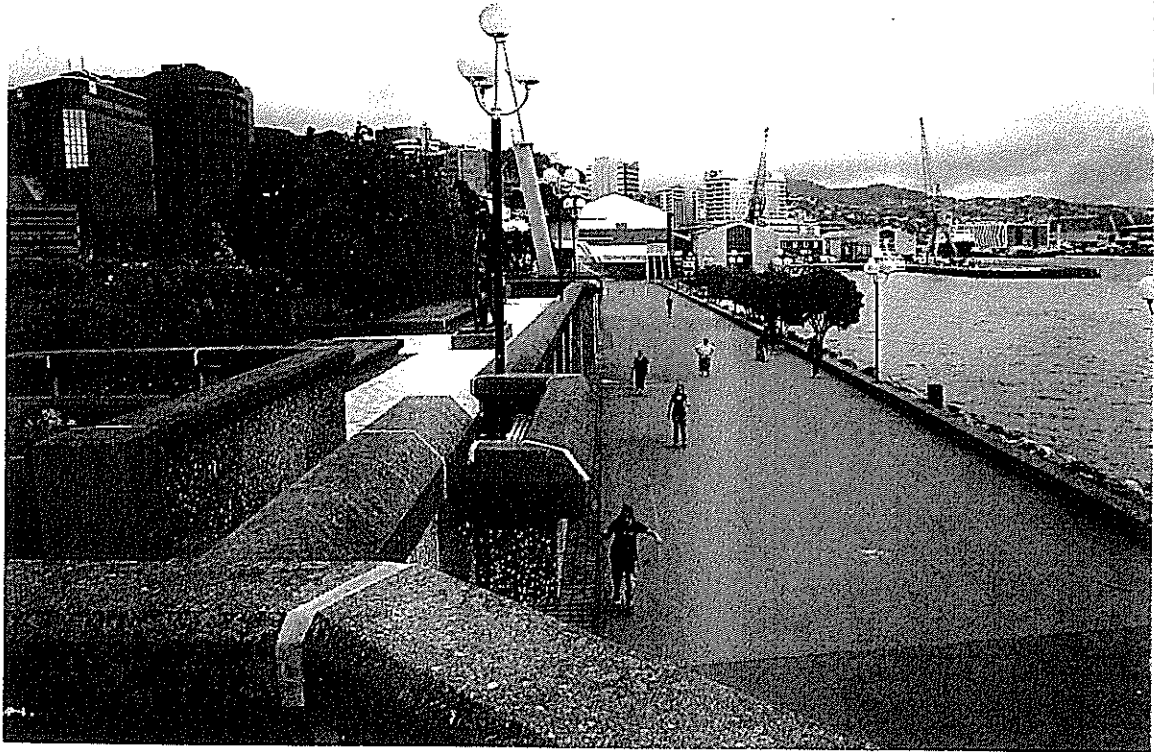
Signage does not warn of any fines associated with the ban. Also no reference the bylaw also bans consumption of alcohol in motor vehicles.



Waitangi Park and Overseas Passenger Terminal areas. Currently no signs anywhere.



Showing part of the raised section of Frank Kitts Park and the promenade. No signs.



View north taken from upper level of Frank Kitts Park. Shows the rear of the only liquor ban sign on the entire waterfront affixed to the first lamp pole in the centre of the walkway. This is opposite Willeston Street/Jervois Quay.



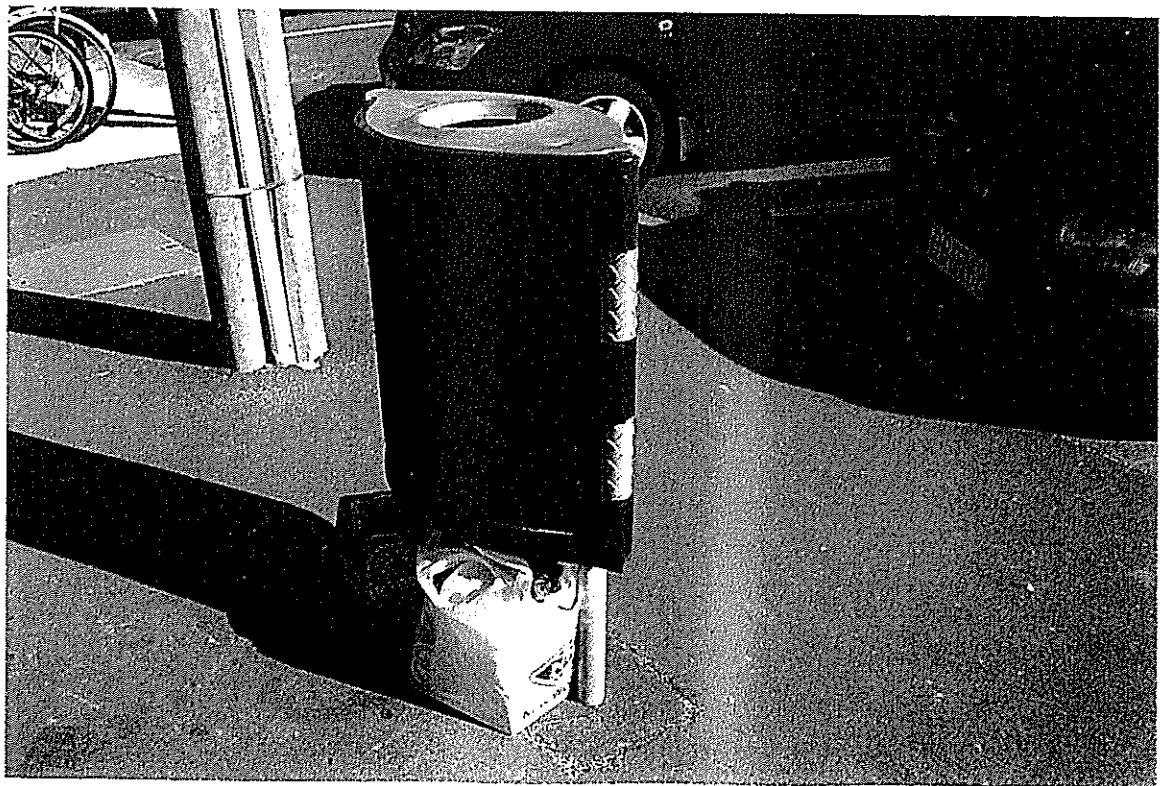
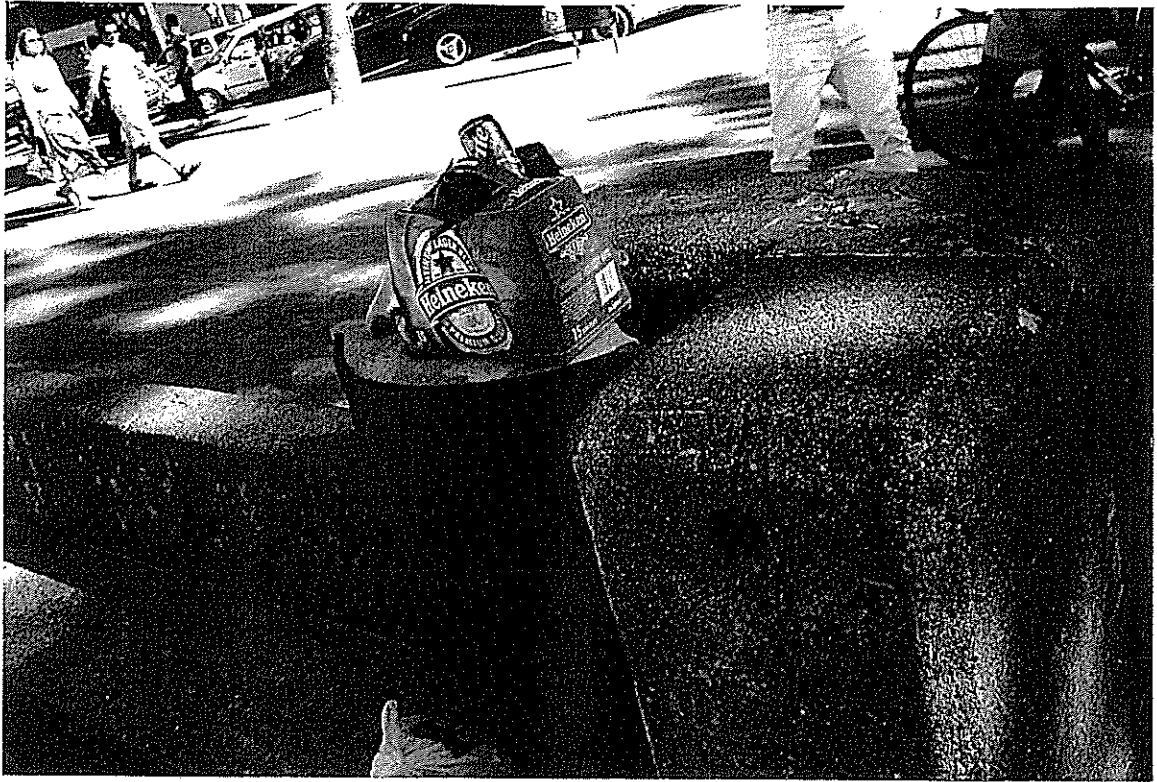
Some people on the beach and promenade consuming alcohol.



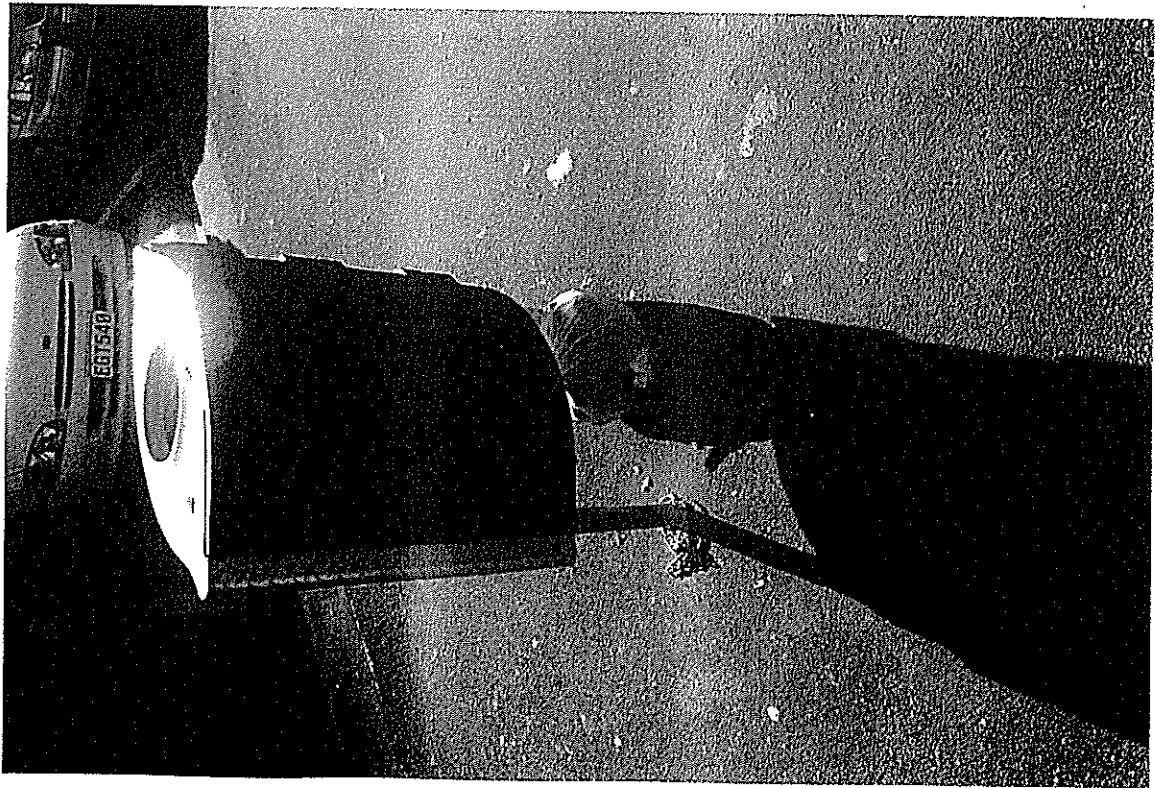
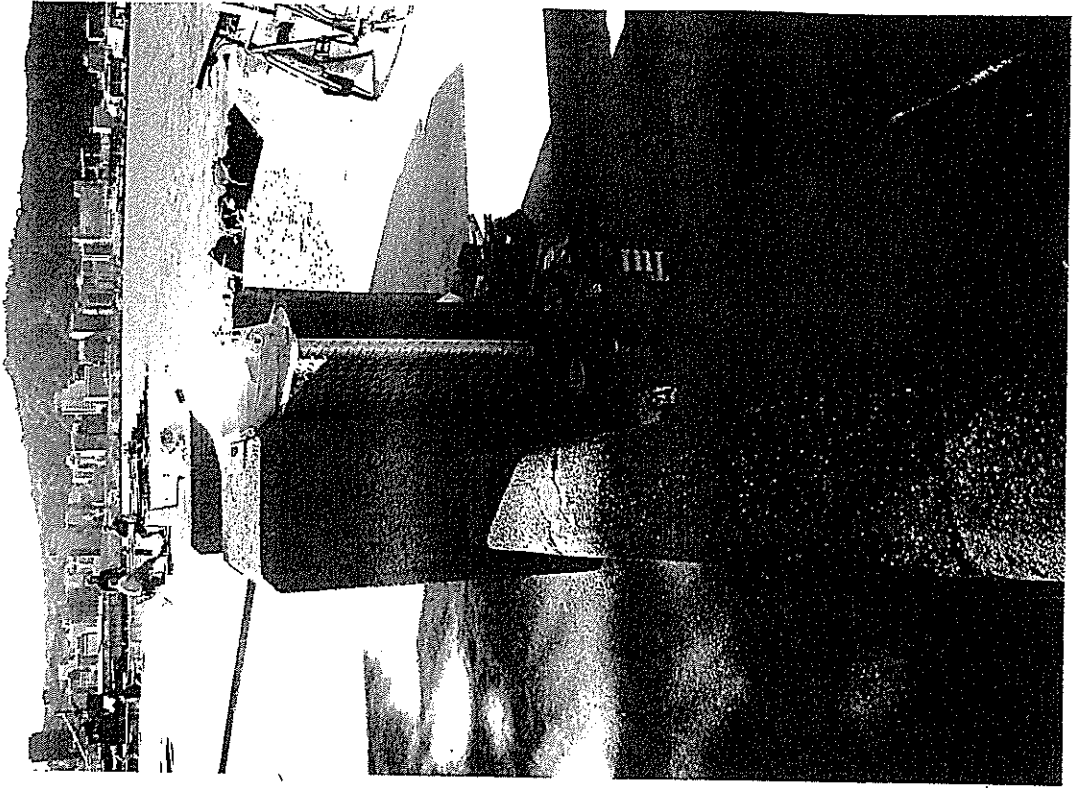
More people on the beach and promenade consuming alcohol.



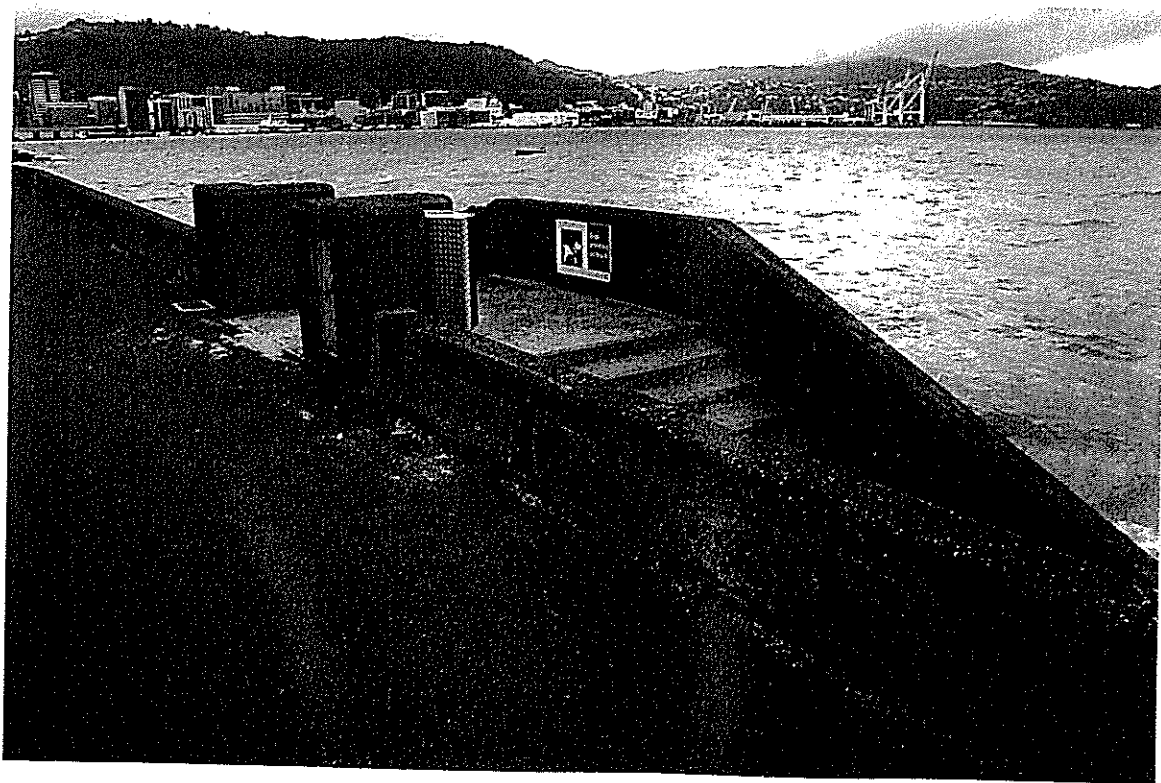
Empty bottles, cans etc. left in some of the public refuse bins on Oriental Parade. Most bins were filled to capacity.



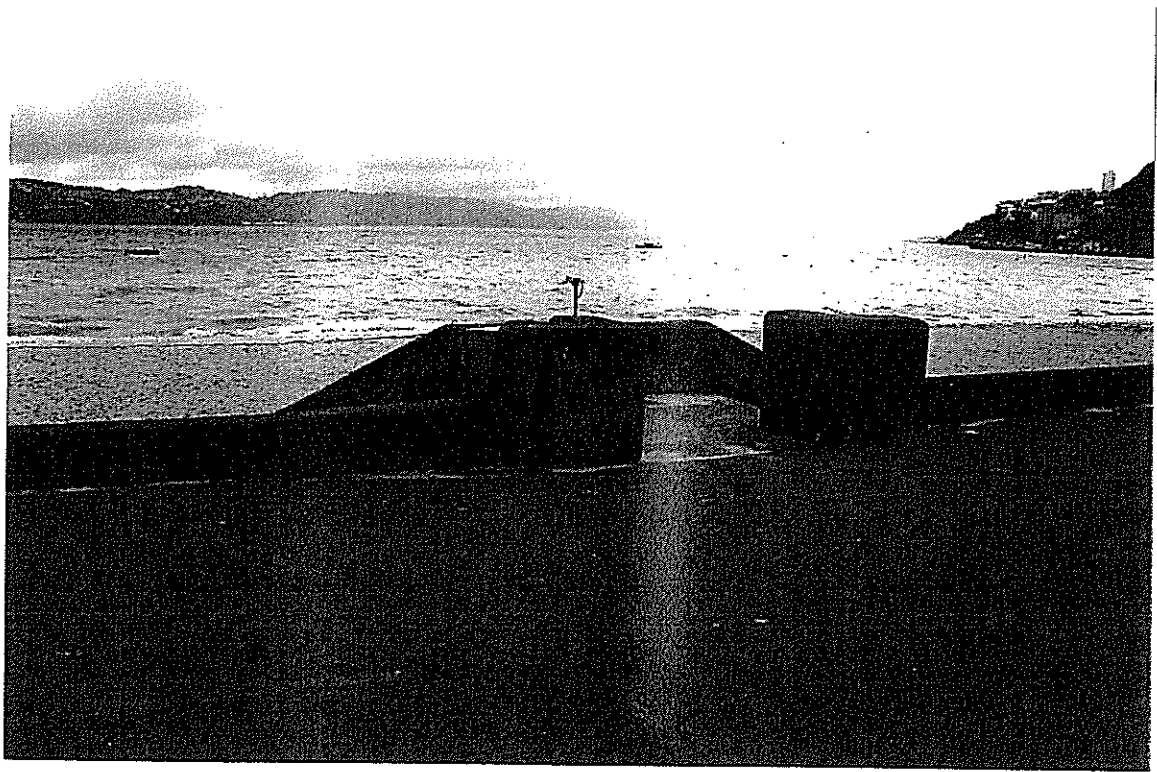
Some more empty containers on Oriental Parade.



"Dog Free" signage displayed at some beach entrances.



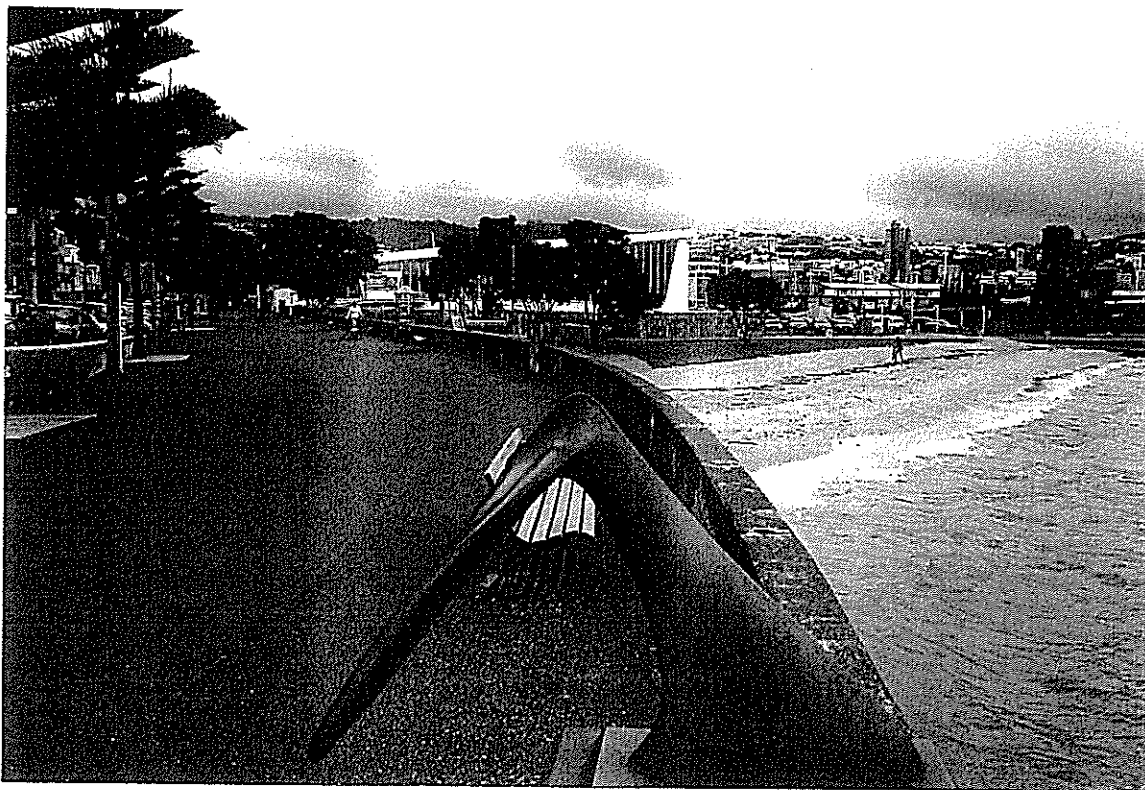
The main entrance to the beach devoid of any signage.



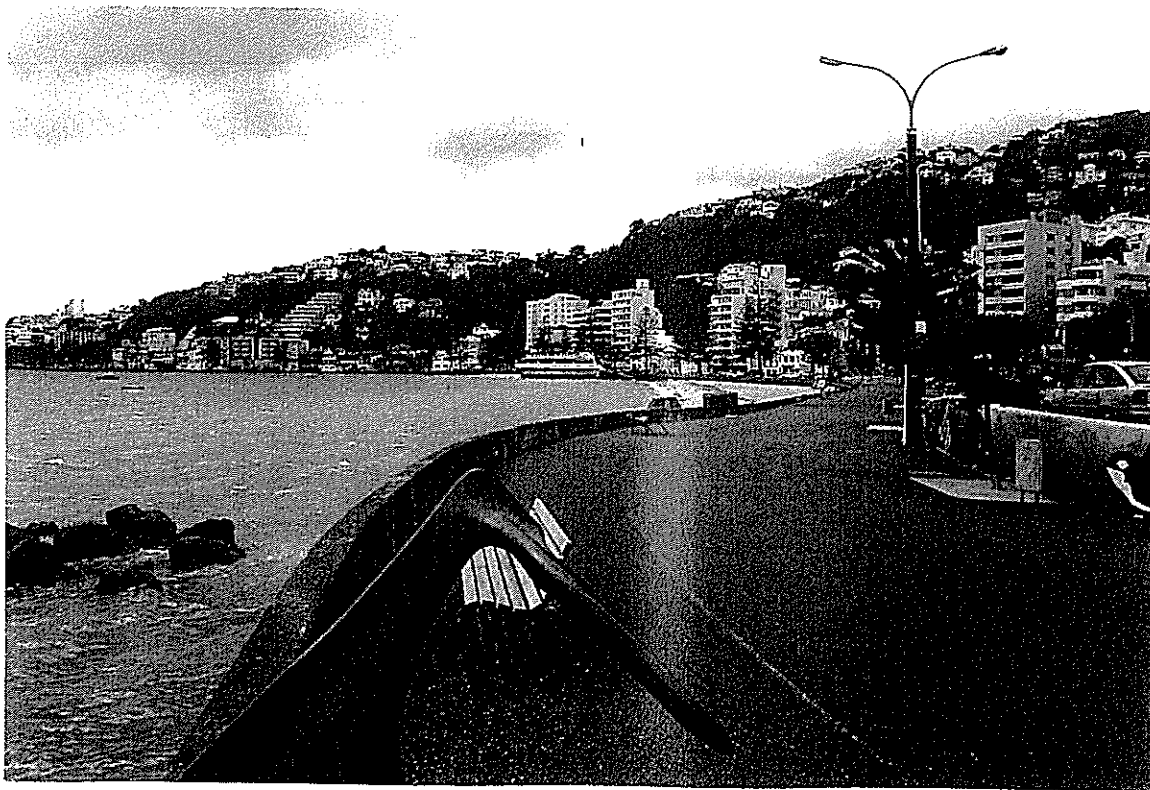
Looking back from the beach to the main entrance.



View of the promenade and the new beach, jetty and grassed recreation areas in the Freyberg vicinity. No signs anywhere.



View of Oriental Parade promenade and main beach. No signs to view.

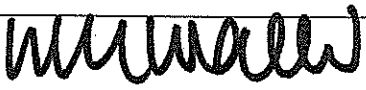


MAYOR'S CORRESPONDENCE

Author of Correspondence:	Victor Davie		
Topic:	You need to work on this Liquor bylaw thing		
Sent to:	<u>Wendy Walker</u>	Date due:	16 Jan 2008
CC:			
Instructions:	Draft a reply for Mayor's signature	<input checked="" type="checkbox"/>	Reply direct on behalf of Mayor (signed by MT member- copy to Mayor's office)

Acknowledgement sent: Yes No

To be completed by author of draft response	
Has all supporting information been attached?	
Is there any additional information attached for the Mayor only (which will not be sent to the correspondent)?	
Name of person to contact if the Mayor has any questions	

Management Team Sign Off			
Name:			
Sign:		Date:	26/1/2009

Mayor's Office Use Only	
Date received:	
Date acknowledgement letter sent:	
Date response received:	
Date response sent:	
File copy sent to relevant business unit:	

Please return folder to Suzy Cain, Mayor's Office x3101 suzy.cain@wcc.govt.nz
 Thank you for your help.

**SUBMISSION
NUMBER**

598

Sharon Bennett

From: webcentre@wcc.govt.nz
Sent: Wednesday, 5 May 2010 8:13 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Jim
Last Name: Candiliotis
Street Address: 6 Bancroft Tce
Suburb: Newlands
City: Wellington
Phone: 9706481

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: on behalf of an organisation

Organisation Name: Newlands Paparangi Progressive Association

Do you support the proposed amendment: No

Comments: The Newlands Paparangi Progressive Association (NPPA) is opposed to this amendment. The area the NPPA covers, Newlands, Paparangi and Woodridge does not have a problem with Liquor

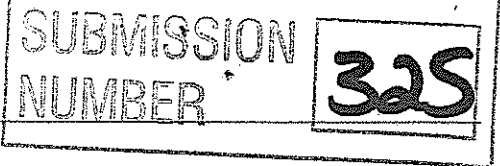
Control. This has been confirmed with Senior Sergeant Mark Buttar of the Johnsonville Police Station. We feel this bylaw is an imposition on individual civil rights. It has been suggested that this bylaw would allow the police to use discretion when dealing with people having a quiet drink in a public place.

The NPPA believes it is just plain stupid to create a bylaw that will be used in a discretionary manner, for no other reason than to "give the police another tool".

You either use it or don't bother having it. Police should be encouraged to use the mechanisms already available to them to deter objectionable behaviour rather than imposing an oppressive and unnecessary bylaw on everyone, or have the Law changed Nationwide.

Comments: That is for individual communities to decide, once it has been determined there is a problem. They need to come up with the solutions with the support of whomever they believe can assist them to do so. It may not necessarily be via a by-law or even council.

Sharon Bennett



From: Moray and Heather [moraybevan@xtra.co.nz]
Sent: Tuesday, 27 April 2010 2:57 p.m.
To: BUS: Policy Submission
Subject: Liquor Ban Newtown

I would support a liquor Ban in Newtown.

As a resident with apartments facing Riddiford St. and backing Gordon Place which is a party area, we continually having to put up with distrubances and rubbish broken glass etc. in our area

Heather Bevan
5/216 Riddiford Street
Newtown
WELLINGTON
(04)3895570
moraybevan@xtra.co.nz

27/04/2010

Sharon Bennett

From: Moray and Heather [moraybevan@xtra.co.nz]
Sent: Saturday, 1 May 2010 11:02 p.m.
To: Sharon Bennett
Subject: Liquor Ban Newtown
Follow Up Flag: Follow up
Flag Status: Red

Thank you for your letter of 29th April 2010 in reply to the submission I made by email.
I would like to have the opportunity to make an oral submission to the Committee on the 20th May 2010. Will you please advise me the time available.

I look after my Grandchildren but I do have an answer phone the number is (04)3895570 or email

moraybevan@xtra.co.nz

With thanks

Heather Bevan

3/05/2010

RECEIVED

05 MAY 2010

SUBMISSION
NUMBER

Absolutely

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ME HEKE K
WELLINGTON CITY

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COUNCIL

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name **PATRICIA NORTON**

Address **69 HARBOUR VIEW ROAD, NORTHLAND**

Address for notices
(if different from above) **Box 276, WELLINGTON 6140**

Phone number Business **(temporarily) 0-6-364 6508** ~~Home~~ ~~Fax~~ **pnorton@actrix.co.nz**

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes

 No

Unsure

Comments:

See attached

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|-----|--|--------|
| a) Newtown | Yes | <input checked="" type="checkbox"/> No | Unsure |
| b) Mt Cook | Yes | <input checked="" type="checkbox"/> No | Unsure |
| c) Other suburbs and/or areas | Yes | <input checked="" type="checkbox"/> No | Unsure |

(If yes, please specify which suburbs/areas)

Comments:

See attached

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

Yes No

Comments:

Please continue on a separate page if necessary.

Second fold here

FreePost Authority Number 2199

Absolutely
POSITIVELY
ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

Submission by:

Patricia Norton

PO Box 276

Wellington 6140

475 9421

(Temporarily out of town, contactable on 0-6-364 6508, or pnorton@actrix.co.nz)

Proposal to amend the Liquor Control Bylaw

I oppose the proposals in their entirety for the following reasons.

1. Discretion in enforcement is a bad principle

To introduce a law and then tell the police they can choose whether or not to enforce it is a bad principle. It brings the law, the lawmakers, and the police into contempt.

2. The council is using a sledgehammer to crack a nut

It is only a very small percentage of people who create problems through their drinking in public places in the city. To make criminals of the very large majority who handle their liquor consumption responsibly is an unreasonable and excessive response to the sins of the few.

3. Has the council properly identified the problem?

The problem is not the drinking, it is drunkenness, and antisocial behaviour stemming from that drunkenness. The council's view seems to be that anyone who drinks alcohol – or even possesses – alcohol is ipso facto a drunken menace to public order.

The council is wrong.

4. The proposed bylaw will not address:

- the problem of people who become drunk on private premises – pubs, bars, homes, private functions, etc – and then move into a public place
- the problem of homelessness which, when coupled with alcoholism, underlies much public drunkenness.

5. There are other options. For example:

- There are laws governing disorderly behaviour. Encouraging the police to enforce them would be a good start.
- There used to be a law on drunkenness in a public place. I suggest the council might support its reintroduction when the Government introduces its proposed liquor bill later this year.
- The council could do more to address the problem of homelessness. A wet hostel could be a place to start.

6. People will ignore the bylaw if introduced

Creating a bylaw in the full expectation that large numbers of people will simply ignore it, is stupid.

The mayor has been reported as accepting that people will continue to have a glass of wine or a beer with their picnic on the beach or at parks such as the Botanic Garden and Otari. So why put them at risk of prosecution?

7. *The issue of possession has still not been justified*

In all the papers it has issued in the past couple of years, and in my correspondence with it, the council has never advanced any reasons for prohibiting the mere possession of alcohol in a public place. There seems to be an assumption that if one possesses a bottle of alcohol that has been opened – even if recapped – there is automatically an intention to drink it. This is akin to believing that anyone who buys a takeaway meal intends to eat it on the street.

It's making a completely unwarranted judgement on the presumed intentions of citizens.

It is clear that the council has made, and intends to retain, a prohibition on the possession of alcohol simply because it has the power to do so. Not because it can justify such a prohibition.

Specific comments on the Statement of Proposal

Point 2, page 4, "Public place liquor consumption outside the control area of the current bylaw is ...inhibiting communities' enjoyment of public places."

This is a sweeping comment that may be valid for a very few places but in no way applies to the vast majority of public places within the city's boundaries.

Point 3.1, page 5, "The impact on the [Wgtn Hospital Emergency Department] in weekends when staffing levels are low is profound..."

But if there is a history of a need for extra staff at this time, then why does the hospital continue to have fewer staff on duty?

Point 3.3, page 7, "A...bylaw would enable police to...issue warnings or arrest[,] which...diffuses volatile situations."

Surely not. To diffuse is to spread out in all directions, which I would have thought is quite the opposite from the desired outcome in these cases.

Pages 7 and 8, "Residents' perceptions of safety in their neighbourhood..."

No source is given for the assertions in this paragraph and the one following.

Page 8, "Some people feel less safe when alcohol is consumed in public places..."

This statement doesn't signify anything. One could just as easily say that some people feel less safe when they are stuck in a crowd in a public place. Or when they are walking on a road that has no footpath. For myself, I feel less safe if a dog looks at me. But I don't see that as a reason to ban dogs.

Page 9, Row 3, "Social initiatives which address why people want to drink in public"

These are said to be partly in use, but "not enough to solve the problem". It would have been helpful to outline what initiatives have been implemented rather than just blandly describing them as "this type of work".

Page 12, "...the liquor control bylaw gives residents the confidence to respond to situations that are likely to give rise to anti-social behaviours..."

The implication here is that the bylaw is the sole mechanism that engenders this confidence. Is there nothing else that might produce the same result? (Such as those for instance that are outlined in the four paragraphs below this assertion.)

Controlled purchase operations/Alcohol management plan

These are listed as initiatives that contribute to a safe and vibrant city. But what are they? The paper doesn't describe them.

Point 5.1, page 13, "Extending the bylaw city wide is the only low-level tool available to prevent anti-social behaviour..."

If the council views as a "low-level tool" a bylaw that has the potential to make criminals of a huge number of inoffensive citizens, then I cannot imagine what it might consider to be a high-level tool. And I find it hard to believe a bylaw is the sole "low-level" tool available.

"From a social perspective it would...likely improve perceptions of safety..."

A "likely" outcome is too vague for such a sweeping proposal as this bylaw.

"...a city wide...bylaw will modify the behaviour of all residents, not only of those who consume liquor in public..."

What right does the council have to try to modify the behaviour of all people in this way? This is outrageous.

"...it is unlikely that someone having a glass of wine with a picnic will be arrested..."

My guess is that if one is tidy, middle-aged or older, pakeha, and drinking out of a glass, then the police will look the other way. But a brown young man in a singlet who is having a quiet beer with a couple of mates can expect to be confronted by the law.

Point 5.2, page 15, "The rights and freedoms protected under [the Bill of Rights] can be limited...where...the limitation is reasonable...The reasons to justify the proposed bylaw are outlined in this document."

One is tempted to say "yeah, right!" The council argues that the limitation is reasonable because it applies to everyone. But this universal application is in itself unreasonable. If there must be a bylaw of this nature, it should be written in such a way as to apply only to people who are disorderly or creating a nuisance.

And despite the claim here, nowhere in the document are there any reasons given that justify the prohibition on *possession* of alcohol.


It is claimed the bylaw would allow any person to apply for permission to possess or consume alcohol in any public place. Does this mean I would have to apply in advance for a permit to take home an unfinished bottle of wine from a BYO restaurant? If so, the bylaw is unworkable.

I wish to make an oral submission.



Patricia Norton

4 May 2010



**SUBMISSION
NUMBER**

594

Sharon Bennett

From: Michael Taylor [mgtaylor@kol.co.nz]
Sent: Wednesday, 5 May 2010 5:30 p.m.
To: BUS: Policy Submission
Subject: Submission on proposed changes to Liquor Control Bylaw
Attachments: Attachment information; WCCLIQR3.pdf



Attachment
information (546 B)..



WCCLIQR3.pdf
(129 KB)

I attach my personal submission on this proposal. Please note that I have asked to be heard. I may be contacted by telephone on 3898071.

Thank you,
Michael Taylor

Planning Policy, Planning and Urban Design,
WCC, 101 Wakefield St
email: policy.submission@wcc.govt.nz

10 Laurent Place
Kingston
Wellington
4th May 2010
tel 043898071
email: mgtaylor@kol.co.nz

Submission on WCC Proposal to amend Liquor Control Bylaw

Dear Councillors,

I have been a ratepayer and resident of Wellington since 1980. During that time I have spent much time, both day and night, in central Wellington and visited most other parts of the city. I have observed problems from the behaviour of intoxicated residents and visitors in public on a number of occasions. I made a submission in October 2003 when the original proposal was released and again in May 2008 when it was extended. With that background and experience I make the submission below on the recent proposal to amend the Liquor Control Bylaw. My submission deals with the "Statement of Proposal", the "Summary of Information" and the online questionnaire and tries to avoid too much repetition. I therefore ask that my comments and requests be taken to apply to all occurrences of the issues addressed and to request any consequent amendments elsewhere. If submitters are to be given the opportunity of being heard please advise me (Tel 3898071) of the time and date of the hearing as I should like to be heard.

Yours faithfully,

Michael Taylor

Regarding "Statement of Proposal" document (2010-03-liquor-statement.pdf)

(a) 2. Reasons for proposal (page 4)

Although central government has said it will ignore the Law Commission recommendation to use pricing as a reduction measure, recommendations related to the three bullet points listed at the start of the reasons here, along with many more, have not been so dismissed. Thus those reasons and their results may well be partly, or fully, reversed by government legislation. As also Council intends to develop a "comprehensive Alcohol Management Plan", it is premature to take such a far reaching step as a city wide prohibition on possession or consumption of liquor in any public place.

(b) 3. Problem Definition (page 5)

This identifies the problem detail as "**assaults** in suburban areas" and "**litter, damage and intimidatory behaviour ...**", "**gate crashing, noise, disorder and fighting**". I fully agree that such behaviours are a problem. My experience is that in some cases such behaviours are the result of liquor consumption on licensed premises (despite the Sale of Liquor Act), of liquor consumption on private premises and of use of other drugs. I also suspect a minority of instances of possession or consumption of liquor in a public place lead to such behaviours. Thus the problem is not actually the possession or consumption of liquor in a public place but rather some behaviours, amongst the causes of which consumption of liquor is undoubtedly one.

(c) 3.3 Safety issues arising from public place drinking in suburban areas. (page 7)

The statement "*The highest proportion of those who committed an offence in a public place also named their place of last drink as a public place*" seems misleading and may be a misinterpretation – the actual analysis ("*Place of Offence & Place of Last Drink*") appears on page 72 of the report and relates to Table 15 (page 73) of the report, whose url is <http://www.police.govt.nz/sites/default/files/Police-National-Alcohol-Assessment.pdf>

I have transcribed that table below for clarification and easy reference. The percentages given in it are percentages of place of offence for each place of last consumption, not percentages of place of last consumption for each place of offence. I have created an equivalent table to show the percentages of place of last consumption for each place of offence and added that underneath. That makes it clear that **of offences in public locations (total 45,930) the most common place of last consumption was home/private residence (18,822 = 42%) with public place second (10,330 = 22%) followed closely by licensed premises (9,096 = 20%).**

Table 15. Identified place of last drink by alleged offender and the location the [alleged]offence took place (2007/08).

Place of last Drink	Offence Location			
	Commercial	Miscellaneous	Public	Residential
Home/Private Residence	2,165 (6%)	6,241 (18%)	18,822 (55%)	6,964 (20%)
Licensed Premises	3,045 (21%)	1,735 (12%)	9,096 (62%)	786 (5%)
Not Known	1,756 (11%)	3,056 (19%)	7,150 (43%)	4,483 (27%)
Public Place	1,945 (13%)	1,668 (11%)	10,330 (70%)	906 (6%)
Special Licence Venue	74 (9%)	163 (20%)	532 (64%)	57 (7%)

Extra table showing percentage contribution of consumption place to each offence location

Place of last Drink	Offence Location			
	Commercial	Miscellaneous	Public	Residential
Home/Private Residence	2,165 (24%)	6,241 (49%)	18,822 (41%)	6,964 (53%)
Licensed Premises	3,045 (34%)	1,735 (13%)	9,096 (20%)	786 (6%)
Not Known	1,756 (20%)	3,056 (24%)	7,150 (16%)	4,483 (34%)
Public Place	1,945 (22%)	1,668 (13%)	10,330 (22%)	906 (7%)
Special Licence Venue	74 (1%)	163 (1%)	532 (1%)	57 (0%)

Even considering total offending (i.e. independent of offence location) a public place was the place of last consumption in 18% of cases, with licensed premises also at 18% and well under home/private residence at 42% (table 14 page 69).

(d) 4. Is a bylaw the most appropriate way to address the problem? (page 8 onwards)

The table should have a column of side effects as consideration needs to weigh positive and negative results. I believe the bylaw proposal is not the most appropriate to address the problem. Although it may seem to be an easy way to reduce the problem, it would do so at the expense of restricting or criminalising innocent people.

I consider that the provisions of the Summary Offences Act and Crimes Act could be used more to deal with those actual problems. If more police are needed to enforce those Acts and the Sale of Liquor Act, then that is what should be done and I am happy to pay my share of higher central government taxes to fund that. The Summary Offences Act creates offences for behaviour which is

disorderly, offensive or threatening. The bylaw is not aimed at those things, but at criminalising the act of possessing liquor in a public place. If the Summary Offences Act fails to achieve the result to the extent that New Zealanders feel sufficiently strongly about the issue, then they should get legislation enacted for “drunk **and** disorderly”.

The conclusion (page 12) “No other option specifically targets the problem of liquor consumption in public places across the city.” simply repeats the misstatement of the problem as being one of consumption and not the behaviour that follows in some cases.

- (e) Is the proposed bylaw the most appropriate form of bylaw to address the problem ? (page 13)
Clearly from my earlier comment the answer is no. However, if the bylaw is to be used then it should be limited to specific problem areas and should not include areas where enforcement is impractical. At this stage that might imply some combination of Mount Cook, Newtown and bus shelters. Furthermore possession should only be an offence only if there is evidence of consumption in a public place.
- (f) 5.2 Rights (page 15)
The exercise of (LGA 2002) section 169 Police powers of search and seizure without warrant is in conflict with BORA section 21 if the action is unreasonable. By casting its net so widely as to include the whole city and possession, without evidence of consumption, WCC would be creating the potential for breaches.
While neither possession nor consumption of alcohol in a public place is a right, for many, including visitors, its prohibition will make them view Wellington as anything but a “healthy, vibrant city for people to live, work and play in”.
- (g) 6.1 Enforcement (page 16)
Although “Police have provided assurances about the use of discretion and the type of behaviour they will focus on when using this tool”, there is nothing in the bylaw or Act, noting S169(2)(c) allows arrest without a refusal to comply with a request (compare S169(2)(d)), that requires such an approach to enforcement. Indeed it is explicitly stated “It should however be noted that guidelines are not in any way intended to fetter the discretion of Police.”. While I do not regard the powers of search and seizure as justifiable, I recognise that leaving a public place or losing liquor is less harmful than arrest. The bylaw should be set so that it does not apply in any instance of an attempt to use S169(2)(c). The law is brought into disrepute if it not enforced or if it is used in a discriminatory way. Lack of enforcement does not change the feeling of a person who does what would be defined as a criminal act, whether or not that person gets caught.
- (h) 6.2 Process for obtaining prior written permission to consume liquor in a public place (page 17)
This process might be possible, if inconvenient, for formally organised events in public places, but is impractical for informal, planned at the last moment (or “not at all”) visits to public places. I note that there may be a charge to get written permission.

Regarding Summary of Information” document (2010-03-liquor-summary.pdf

- (i) “Current situation” (page 3)
The Liquor Control Bylaw does not allow “swift action to manage the **effects** of liquor consumption in public”, rather it allows swift action to prevent the **act** of liquor consumption in public. It is the adverse behaviour that needs to be addressed, not the act of drinking. Also my experience is that in some cases the adverse behaviour and concern for public safety that the bylaw seeks to prevent is the result of liquor consumption on licences premises (despite the Sale of Liquor Act), of liquor consumption on private premises and of use of other drugs. There is no indication in the document that research has been carried out to establish what proportion of events of liquor

possession and consumption in public places has such results. It is unacceptable to criminalise a majority.

(j) "Risk of suburb-by-suburb bylaw approach" (page 4)

When it questioned reliable presenters about the problem in Newtown, Council (Strategy & Policy committee) was told that there was little evidence for that "Displacement Theory". I might ask whether consideration has been given to the possibility that a consumption prohibition in all public places across the whole city, could displace such consumers onto private properties (without permission) ?. That could be into the front garden (or worse) of an unoccupied property, the parking lot of a business (closed overnight) or similar. While that might well constitute trespass, proof and enforcement of that could be a problem.

(k) "Comprehensive liquor-related planning" (page 4)

As WCC is developing a comprehensive Alcohol Management Plan, it should not be taking this action separately. If it nevertheless proceeds, it should take the minimum action it feels needed at this time (e.g. Newtown, bus shelters). The Liquor Control Bylaw must be open for full public review at the time of consultation on the comprehensive Alcohol Management Plan.

WCC is happy to organise "public parties" which involve excessive liquor consumption (e.g. at the time Wellington hosts the sevens). Although undoubtedly this results in many people enjoying themselves it also results in adverse behaviour from a minority, with wider impact. For consistency, if WCC retains or even extends the Liquor Control Bylaw, it must dissociate itself from such activities and prevent them using public places.

WCC's failure to provide a wet hostel is indicative of its equivocal approach to alcohol related problems.

(l) Boundaries of area under the control of Wellington City Council

It should be made clear where the seaward boundary of this area is. It is my understanding that it may well be "Mean High Water Springs" (MHWS). If so enforcement issues close to such a boundary would be a problem. I note the apparent exclusion of Tapu Te Ranga (island) – at least as far as can be seen from the map, given its resolution.

Regarding Questionnaire (refers to pro forma online submission form)

(m) "I would like to make an oral submission on 20 May 2010" **YES**.

(n) "I am making this submission as" **an individual**

(o) "The proposed amendment will extend the Liquor Control Bylaw city wide 24 hours a day, seven days a week. Do you support the proposed amendment?" **NO**

(p) "Do you think the current bylaw should be extended to include:"

(1) Newtown ? **NO**, although if WCC decide to extend the bylaw this, and only this, area should be the target of that extension

(2) Mount Cook? **NO**

(3) Other suburbs and/or areas? **NO**

SUBMISSION
NUMBER

295

Sharon Bennett

From: bnolan@gmail.com
Sent: Monday, 26 April 2010 10:39 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Ben
Last Name: Nolan
Street Address: 6b Rixon Grove
Suburb: Mount Victoria
City: Wellington
Phone: 021 770662
Email: bnolan@gmail.com

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Organisation Name: Ben Nolan

Do you support the proposed amendment: No

Comments: I do not support this amendment because I believe it has insufficient supporting evidence, no tests in place to measure the effectiveness of the amendment if it does come into effect - and it willfully ignores the social side-effects should the amendment come into force.

I also find the amendment offensive in that it makes an acceptable, well loved past time of many residents - into a criminal act.

**** Insufficient evidence ****

I am alarmed by the action of this council on 'anecdotal' evidence. "Anecdotal reports" and "anecdotal evidence" is used twice as evidence for the requirement of the ban.

The graph labelled "Figure 3: Breach of Liquor Control Bylaw and Violence Trends in the Wellington Area" is not referenced to the original documentation, and from the data given it is extremely difficult to back up the trend of reduced violence when enforcement increases.

295

If the council were to back such a major encroachment on residents liberties on anecdotal evidence and flawed statistics, it speaks very poorly on their respect for Wellington residents.

Most concerning is that the council is ignoring their 2005 evaluation of the current liquor ban:

"The evaluation reported that there was little evidence that public place drinking during ban times or offending related to public place drinking during ban times had reduced... lack of empirical evidence..."

**** No testing on effectiveness ****

There are no tests put in place to measure the effectiveness of the ban, and no clear quantifiable outcomes of the ban. If the ban is found to be ineffective in controlling alcohol related crime - there is no recommendation for the ban to be repealed.

**** Ignoring the side effects ****

As the "Statement of Proposal" correctly notes - introducing the liquor ban will not:

- reduce alcohol-related harm associated with risky and unsafe practices
- reduce alcohol-related offending where the liquor has been consumed on licensed premises
- provide a response to offending
- address issues associated with homelessness (those issues often arise from mental health problems or from abuse of substances not captured within the definition of liquor – such as methylated spirits, drugs and glue).

This is not a holistic solution to the problem of alcohol-related crime and disorder in Wellington city. This ban, done piecemeal and without any statistically sound and verifiable research - will move the problems, cause unforeseen side effects - and the council, nor residents will have no way of quantifiably evaluating the effectiveness of the amendment.

Given the SIGNIFICANT downsides to the ban:

- * Making a popular and non damaging past time for many people a criminal offense
- * Giving police broader grounds to search citizens without a warrant
- * Forcing police officers to act as 'on the spot judges' as to whether they enforce the bylaw or not

And the fact that the ban WILL NOT:

- * reduce alcohol-related offending where the liquor has been consumed on licensed premises

* address issues associated with homelessness

I consider this proposal exceptionally ill-considered.

That the council should raise such a divisive issue with such poor supporting evidence, I find offensive.

Do you think the current bylaw should be extended to include Newtown: Unsure

Do you think the current bylaw should be extended to include Mt Cook: Unsure

Do you think the current bylaw should be extended to include other suburbs or areas: No

○

○

**SUBMISSION
NUMBER**

446

Sharon Bennett

From: tumeke3@xtra.co.nz
Sent: Monday, 3 May 2010 1:46 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Mark

Last Name: Tipene

Street Address: 347B The Parade

Suburb: Island Bay

City: Wellington

Phone: 04 3835247

Email: tumeke3@xtra.co.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: Yes

Comments: For this oral submission could you please allocate a time of 3pm onwards
Thanks

Do you think the current bylaw should be extended to include other suburbs or areas: Yes

If yes, please specify which suburbs / areas: All areas

**SUBMISSION
NUMBER**

448

Sharon Bennett

From: Cathy Bruce [C.Bruce@alac.org.nz]
Sent: Monday, 3 May 2010 3:16 p.m.
To: BUS: Policy Submission
Cc: citizenengagement.submission@wcc.govt.nz; Laurie Gabites
Subject: SUBMISSION - Proposal to amend Liquor Control Bylaw [ALAC-ACTIVE.FID2107]

Attachments: 20100503145848223.pdf



2010050314584822
3.pdf (306 KB)...

To whom it may concern

Attached is ALAC's submission on the proposal to amend Wellington's Liquor Control Bylaw

Thanks

Cathy Bruce
Project Manager Local Government
Alcohol Advisory Council of NZ (ALAC)
Kaunihera Whakatupato Waipiro O Aotearoa

Phone 04 917 0241
Mobile 021 911 803
Fax 04 473 0890
Email c.bruce@alac.org.nz
Web www.alac.org.nz



3 May 2010

Consultation and Engagement Team
Liquor Control Bylaw Review Consultation
Wellington City Council
PO Box 2199
Wellington

To Whom It May Concern

Re: SUBMISSION – Proposal to amend Liquor Control Bylaw

Thank you for providing the opportunity for the Alcohol Advisory Council of New Zealand (ALAC) to comment on Wellington City Council's proposed amendment to its liquor control bylaw.

ALAC is an autonomous Crown entity charged under its empowering statute to give advice on alcohol-related matters and work to reduce alcohol-related harm in New Zealand.

ALAC encourages local authorities to address local alcohol-related harm issues in ways that are appropriate to the location and in ways that encourage community input. ALAC acknowledges the need to regulate drinking in public places and imposing liquor control bylaws, while having some specific problems, does seem to have had some success in reducing crime and environmental harm and improving perceptions of safety in some areas. Many councils find liquor control bylaws essential to maintain order and a sense of amenity, especially in areas where there are clusters of licensed premises. Further, the Police consider that liquor control bylaws are an important tool in the crime prevention and community safety toolkit. Liquor control bylaws are also generally popular with the wider community¹.

Consuming alcohol in public can range from peaceful gatherings at which families picnic on a beach reserve and drink alcohol with a meal, to alcohol fuelled riots resulting in arrests. Where negative effects do occur, significant harm and costs can result. These range from vandalism, negative impacts on businesses, noise, violence and disorder, to perceptions of lack of safety in some areas and normalisation of the harmful use of alcohol.

When liquor control bylaws initially began, they were largely in place for New Year's Eve, Guy Fawkes, or special events. However, now more of the territorial authorities' liquor control

¹ ALAC (2005). *Liquor Bans in New Zealand*. Wellington: ALAC, p.5.

bylaws operate permanently. In 2009 71% of the councils with liquor control bylaws have at least one 24 hour, 7 day a week bylaw area². The areas covered by liquor control bylaws also vary from the central business districts (CBDs) only, to far-reaching boundaries. Some boundaries for liquor control bylaws have expanded significantly over time³.

Evidence on the specific effectiveness of liquor control bylaws in New Zealand is inconclusive due to the difficulty of evaluating their effectiveness in isolation from other measures that are commonly employed at the same time (eg improvement of lighting and monitoring of public places using CCTV) and the limitations of police data that is commonly used to evaluate effectiveness⁴.

Benefits ascribed to the implementation of liquor control bylaws are:

- Reduction in crime (eg an evaluation of an Auckland City liquor control bylaw stated that the bylaw contributed to a 35% drop in disorder and assault-related offences and a drop in other public alcohol-related offending)⁵
- Improved perceptions of safety (eg the evaluation of the Wellington City Council Liquor Control Bylaw reported increased perceptions of safety)⁶
- Reduction in environmental harm such as reduced litter and vandalism (eg the Timaru District Council reported that since the implementation of the liquor control bylaw in the city centre intentional damage of council property, such as smashed planter boxes and broken trees, had reduced by between 75% and 90%, saving the Council at least \$15,000 annually)⁷
- Ability for the police to respond promptly to public drinking. This power to arrest and remove troublemakers from hot spots and to physically take them to the local police station for processing is seen by police as "probably the critical factor in being able to 'nip alcohol-related problems in the bud' before they begin to escalate"⁸.

Research also indicates the following characteristics of liquor control bylaws that are deemed successful:

- The effectiveness of police and other regulatory authorities' enforcement approaches, as well as other complementary strategies that may be introduced alongside the bylaw⁹

² Law Commission (2009). *Alcohol in our Lives: An issues paper on the reform of New Zealand's Liquor Laws*. Wellington: Law Commission.

³ ALAC (2005). *Liquor Bans in New Zealand*. Wellington: ALAC, p4.

⁴ ALAC (2005). op cit, pg 6.

⁵ Sim M., Morgan, E. and Batchelor, J. (2005). *Wellington City Council Liquor Control Bylaw Evaluation Report*, Wellington: New Zealand Police, p3.

⁶ Sim, M. et al (2005). op cit, p44.

⁷ Timaru Herald (2005). *Inner City Crime is Down*. Timaru: Timaru Herald, p1.

⁸ Webb, M., Marriott-Lloyd, P. and Grenfell, M. (2004). *Banning the Bottle: Liquor Bans in New Zealand, conference paper*, Alice Springs, Australia, p3.

⁹ Sim, M. et al (2005). op.cit, p17.

- A community partnership approach between police, local authorities, health agencies and often formal liquor accords or liquor liaison groups¹⁰.

Overall, ALAC supports liquor control bylaws as an intervention to achieve an overall alcohol-harm reduction goal, provided they are introduced alongside a range of strategies to reduce alcohol-related harm. Such strategies may include community safety initiatives, outreach work, enforcement in licensed premises, addressing the location of premises, limits on hours of trade, limits on liquor promotion, and community capacity building initiatives.

Wellington is involved in a number of these approaches to reduce alcohol-related harm and ALAC recognises the large amount of work that has been undertaken to inform the development of the Wellington Alcohol Management Plan. We look forward to the completion of this document.

Through the limited amount of research that has been completed on liquor control bylaws we know there are some drawbacks and potential problems associated with them. These include:

- Liquor control bylaws can displace problems into surrounding areas and there is potential for public drinkers themselves to be put at increased risk due to gathering in less safe areas, such as unlit parks
- The process of developing bylaws is expensive, since they have to be advertised and go through special consultative procedure
- The increased use of liquor control bylaws has translated into increased apprehensions for liquor control bylaw offences. Each of these incidents consumes police time and diverts resources away from other crime as well as having a flow-on effect on the courts and Department of Corrections
- There is a great deal of variation around New Zealand in the rules around liquor control bylaws, which can make it difficult for members of the public and the police to know what the situation is in a particular place, at a particular time
- Enforcement considerations are also important. There is no nationally consistent policing approach and the style of liquor control bylaw enforcement appears to differ markedly throughout New Zealand. Different groups of people can be treated differently as police apply their ability to use discretion. For example, they may turn a blind eye to a picnic on the beach but not to the same beverages being consumed by a group of young people or street drinkers.

Many of these problems associated with liquor control bylaws are often due to the fragmented approach to the implementation of them. In many places liquor control bylaws grow in a

¹⁰ Webb, M. et al (2004). op.cit, p9.

haphazard way over time and are influenced in different suburbs by the wishes of the community. This can lead to many of the issues mentioned above. The development of a city-wide liquor control bylaw may assist to mitigate some of the above issues and could assist with improving the community's perceptions of Wellington as a safe city and improve people's enjoyment of public places throughout the whole of Wellington. It is likely that any extension to cover the whole city would need to be evaluated thoroughly to confirm whether it has been effective at reducing alcohol-related harm in Wellington. We note that the Police support the development of a city-wide, 24/7 liquor control bylaw.

Given that some of the public drinking issues in Wellington involve vulnerable people who tend to street drink in public places, ALAC feels that any extension to other parts of the city would be more successful in reducing alcohol-related harm if done in conjunction with other solutions for these vulnerable groups. Evidence from the United Kingdom recognises that enforcement on its own is unlikely to be sustainable as many 'traditional street drinkers' live chaotic lives with multiple needs. However, if a strategic approach is taken which includes enforcement, integrated with intensive supportive interventions, benefits can be achieved for some street users.¹¹

Johnsen et al (2007) showed that the enforcement measures were less likely to be successful if they were articulated in a purely punitive manner – more frequently this caused street populations to feel that 'everyone was against them' and tended to provoke a counterproductive response. However, if enforcement interventions and support services work together and provide clear, consistent messages emphasising support options available and identifying positive future pathways encouraging outcomes can be attained.

Outreach service models have been developed in the United Kingdom and have been shown to have positive impacts on behaviour of street populations when used in conjunction with enforcement measures. Southwark Council, in London has had a near borough wide liquor control area since 2006. It has also had an outreach service in place since April 2007. During this period, the borough has seen a reduction in street population drinking by one third. In hotspot areas where street drinking has traditionally been an ongoing problem, Southwark has seen up to a 75% reduction. The majority of this reduction can be attributed to the joined up work by the partners to deliver enforcement of an alcohol control area, an outreach service to work intensively with vulnerable individuals and the coordination and linking to other services in the area. The reduction in street drinkers has also been reflected in the reduction of resident complaints received by the police and council.¹²

¹¹ Johnsen, S. and Fitzpatrick, S. (2007). *The Impact of Enforcement on Street Users In England*. York: Joseph Rowntree Foundation.

¹² Ranzetta Consulting (2009). *Designated Public Place Order: an evaluation of effectiveness and the implications for addressing problematic drinking in public places*, London: Ranzetta Consulting, p 1-2.

Overall, ALAC supports the extension of the Wellington Liquor Control Bylaw to a city-wide, 24 hours, 7 days a week bylaw. However we would encourage Wellington City Council to consider including a specific intervention for vulnerable people as part of the wider strategy to control public drinking. ALAC would also encourage Wellington City Council to include an evaluation as part of the planning to measure outcomes of the policy specifically.

Once again, thank you for the opportunity to comment on Wellington City Council's proposal to amend their liquor control bylaw. Please do not hesitate to contact Cathy Bruce, Project Manager Local Government Relations, e-mail: c.bruce@alac.org.nz, phone: (04) 917 0241 if you would like to discuss any parts of this submission further.

Yours sincerely



Andrew Hearn
Manager Strategy and Research

**SUBMISSION
NUMBER**

5&3

Sharon Bennett

From: John Hoggard [jhoggard@mhp.co.nz]
Sent: Wednesday, 5 May 2010 4:25 p.m.
To: BUS: Policy Submission
Subject: FW: Scan Data from FX-8DA03F

Attachments: img-505162313-0001.pdf



img-505162313-000
1.pdf (65 KB)...

Please see the attached.

John Hoggard

Original Message-----

From: DocuCentre-III C2200 [mailto:info@mhp.co.nz]
Sent: Wednesday, 5 May 2010 4:23 p.m.
To: John Hoggard
Subject: Scan Data from FX-8DA03F

Number of Images: 2
Attachment File Type: PDF

Device Name: DocuCentre-III C2200
Device Location:

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, c/-Policy team, Wellington City Council, PO Box 2199, Wellington 6031, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name **JOHN HOGGARD**
Address **8 PABROA STREET**
Address for notices
(if different from above) **NEWTOWN**
Phone number Business **0274 817 201** Home Fax

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information.

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission: as an individual on behalf of an organisation

Please name the organisation:

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes No Unsure

Comments:

The bylaw is an unreasonable and unjustified response to the problem it is trying to solve. The persons that this bylaw is targeting will not obey it, will waste police and court time and if fines are involved will not pay the fines. The police should use existing offences laws to stop anti social behaviour.

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---------------------------|-------------------------------------|---|
| a) Newtown | <input type="radio"/> Yes | <input checked="" type="radio"/> No | <input type="radio"/> Unsure |
| b) Mt Cook | <input type="radio"/> Yes | <input checked="" type="radio"/> No | <input type="radio"/> Unsure |
| c) Other suburbs and/or areas | <input type="radio"/> Yes | <input type="radio"/> No | <input checked="" type="radio"/> Unsure |

(If yes, please specify which suburbs/areas):

Comments:

I am a Newtown resident, a parent of young children and regularly visitor to Cavers Park which features in the photos for the Proposal Booklet put out by Council. Existing laws can control the anti social behaviour that is concerning residents - if the police enforced them.

The bylaw penalises the majority of responsible residents to

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010 ^{got at a small} _{minority.}

Yes No

Comments:

Yes, if the timing suits and I do not have to wait around for hours, please email me at jhoggard@mhp.co.nz when times are settled to see if oral submission is possible
- thank you

Please continue on a separate page if necessary.

Second fold here

FreePost Authority Number 2199

**Absolutely
POSITIVELY**

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL **Wellington**

Free



Liquor Control Bylaw Review Consultation (COCY02)
Wellington City Council
PO Box 2199
Wellington 6011

SUBMISSION
NUMBER

560

ME HE KE KI PŌNEKE
WELLINGTON CITY COUNCIL

Absolutely

POSITIVELY

Wellington

Proposed amendment to the Liquor Control Bylaw

This submission relates to the Council's proposal to amend the Liquor Control Bylaw which will prohibit drinking in public places across the entire city 24 hours a day, seven days a week. The full proposal is available at Wellington City Council Service Centre, 101 Wakefield Street, Wellington libraries, at www.Wellington.govt.nz or by phoning 499 4444.

The Council wants to know what you think about the proposed bylaw.

Submissions close at 5pm on Wednesday 5 May 2010. They can be made on this form, faxed to (04) 801 3231, mailed to Liquor Control Bylaw Review, cl-Policy team, Wellington City Council, PO Box 2199, Wellington 6011, or emailed to policy.submission@wcc.govt.nz

First fold here

Submitter details

Name

James Butchers

Address

25 Rimu Road, Kelburn, Wellington

Address for notices
(if different from above)

Phone number

Business 027 555 1215 Home 475 8662

Fax

Note: all written submissions including names and addresses are published and made available to all Councillors, the Mayor and the public. Personal information will be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington, with submitters have the right to access and correct personal information:

Note: liquor control bylaws do not affect private premises, licensed premises, or the transport of unopened liquor. Permission may also be given to exempt certain activities, events or occasions.

Submission details

I am writing this submission:

as an individual



on behalf of an organisation

Please name the organisation:

Wellington City Youth Council

Comments

1. The proposed amendment will extend the Liquor Control Bylaw city-wide 24 hours a day, seven days a week.

Do you support the proposed amendment?

Yes

No

Unsure

Comments:

See full submission for explanation

2. As a result of consultation, the Council could decide against proceeding with a city-wide 24/7 bylaw. The Council could instead choose to amend the current bylaw to include Mt Cook and Newtown. It could also choose to amend the bylaw to include other suburban areas and/or areas such as reserves, parks or bus shelters.

Do you think the current bylaw should be extended to include:

- | | | | |
|-------------------------------|---|-----------------------------|---------------------------------|
| a) Newtown | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| b) Mt Cook | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |
| c) Other suburbs and/or areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unsure |

(If yes, please specify which suburbs/areas) *Wellington City Council rate paying area.*

Comments:

Refer again to full submission for details.

I would like to make an oral submission to the Strategy and Policy Committee on 20 May 2010

- Yes No

Comments:

Please contact me to arrange a time for an oral submission.

Please continue on a separate page if necessary.

Second fold here

FreePost Authority Number 2199



Liquor Control Bylaw Review Consultation (COCY02)
 Wellington City Council
 PO Box 2199
 Wellington 6011

Wellington City-Wide Liquor Ban Bylaw Submission:

We, the Wellington Youth Council, agree with the extension of the current centre city liquor ban to include the greater Wellington City proposed by the Wellington City Council. However we oppose the intention on keeping the current 24/7 ban for the extended area. This is for many reasons, including issues with written permission exemptions for locals and visitors and the need for police enforcement to be stricter regarding the bylaws. However, we would like to suggest a compromise liquor ban for the extended area which would only be from 7pm – 7am. This would help clear concerns from public about daytime public drinking because of the degree of police discretion.

Firstly we reiterate how important and well sustained the current liquor ban is on the centre city. Also we support the extension of the liquor ban out into the more suburban areas but to a certain degree. We foresee a lot of issues with the proposed 24/7 liquor ban to the extended areas mainly to do with casual daytime drinkers. For example, during summer when at an all day cricket match, is it not perfectly reasonable to have a couple of beers? Or even should having a glass of wine with your picnic outing really be made a crime? Of course it is planned for people to have the ability to request a written permission of exemption to drink alcohol in public, but will that really work? Not only would there be a significant investment of time into retrieving permission but also the hassle would put off people from doing so. For visitors to New Zealand, this would appear to be increasingly more difficult to achieve and therefore we see it as unnecessary for the extended liquor ban to apply during the daytime. The changes to the bylaw are meant to reduce "anti-social behavior" and public disturbances, but these people surely don't fall into that category. They shouldn't be handicapped by the irresponsible drinking of some people, which predominantly occurs during the night-time.

Even if there is supposed to be a degree of police discretion in regards to the policing of the liquor ban bylaws, and that they are warned not to be too strict on sensible drinkers, this will still unfairly affect the youths of Wellington. It is far more likely for a police officer to take a harder line with two youths drinking in public than two older people, despite the fact they would both be drinking sensibly without any disturbances. This is because of the general youth's association to excessive drinking. Even though they could be drinking completely reasonably, it would fall down to police discretion which is unfavourable toward youths. We think this uncertainty within the law should be removed. Reflecting on the previous bylaws, the more the police enforced the bylaw, rather than just warn people, the less disruptions there were and less violence. Clearly this should be carried through for the new bylaw to work. Although previously, police have been instructed to be lenient as to educate people rather than arrest them, by now education of the law has been adequately fulfilled. The best way to really learn should be from experience and from mistakes. In the situation a warning would only temporarily solve the issue but have little effect in the long run compared to arrests or fines.

To solve the issues that the 24/7 bylaw extension includes, we would like to suggest an alternative of a 7pm – 7am liquor ban only. This would eliminate the problem that would have been faced by many with the acquirement of permission for alcohol consumption, especially during daytime events where excessive drinking is rare. It doesn't force regular, rational drinkers to go out of their way retrieve an exemption where there really shouldn't have to. Also it eliminates the degree of police discretion for enforcing the law. If this was changed it would allow police to be completely strict about no drinking from 7pm – 7am and leave little confusion over where people stand with the law. Generally speaking, it will allow for daytime drinking to be allowed outside of the current 'controlled area' but place a liquor ban on all night-time drinking. This would give the Police more consistency in terms of being a complete liquor ban during the night mostly while still being lenient towards those responsible drinkers who can still freely do so during the at sporting functions or picnics etc.

In regards to communities which have expressed their concern over alcohol related "anti-social behavior" in public, we suggest that they adopt the 24/7 liquor ban policy. As they have been identified as areas of unease among residents with drinking related issues, they would benefit on a whole from having a total liquor ban. Areas such as Newtown, which is included in the proposal option two, could be included into the current 'controlled area' with a 24/7 liquor ban to tackle it as a major issue within the community.



Sharon Bennett

From: director@dcm.org.nz
Sent: Wednesday, 5 May 2010 5:02 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Stephanie
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Email: director@dcm.org.nz

I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: on behalf of an organisation

Organisation Name: Downtown Community Ministry

Do you support the proposed amendment: No

Comments: Downtown Community Ministry (DCM) has frequently voiced sympathy with any persons who have had to tolerate anti-social and/or aggressive behaviour in public spaces but nevertheless we urge WCC to adopt a pragmatic and balanced response to this complex and longstanding issue.

The small group of individuals currently causing a public nuisance (in part due to their alcohol use) in Newtown is all well known to us at DCM, other social agencies and the police. They are people who have been unable to access and sustain suitable accommodation as a result of their high and complex needs and are consequently homeless or at best, are very marginally housed. A number are mental health consumers as well as alcohol dependent. They are among a group who would have greatly benefited from the establishment of a wet home in Wellington.

Liquor bans do not, in themselves, assist people to address problem drinking. A citywide liquor ban will fail to address the underlying issues for this group, in the same way the inner city liquor ban has failed to address their issues. The need for a wet home has not diminished and finding a way to implement that project would be the most effective solution to this problem.

A new report restates the widely acknowledged lack in all aspects of alcohol treatment provision: "All

focus groups commented on what they considered to be shortcomings in the current provision of treatment...there are not enough programmes to meet demand across the range of services that are needed in the community, including assessment, counselling, detoxification treatment and rehabilitation”, Under the Influence - Re-shaping New Zealand’s Drinking Culture, (The Salvation Army Social Policy and Parliamentary Unit, April 2010, p. 55) When the inner city ban was imposed, DCM's prediction was that the drinking behaviours of our client group would be pushed underground. This has indeed occurred and subsequently vulnerable tenants, including some in City Housing flats, are already under pressure to host drinking sessions in their homes. This has a knock-on effect and not only puts tenancies at risk, but exposes other tenants to disturbances. This puts Wellington in a 'catch 22' situation as a liquor ban type of intervention to addressing problems related to public drinking can be shown to have a direct impact on driving up the numbers of homeless people in our city.

Also, since the imposition of the inner city liquor ban, the Wellington Night Shelter, that makes a valiant effort to uphold a 'no alcohol' policy, has had to contend with a significant increase in drinking-related behaviour management issues, both inside the shelter and outside the shelter's doors, as drinkers have responded to the pressure to 'bring their drinking under cover'. In addition, outside spaces that are perceived to be 'private' have become targets for more discrete public drinking, but these sites can be more dangerous settings, precisely because they are out of the public eye.

Do you think the current bylaw should be extended to include Newtown: No

Do you think the current bylaw should be extended to include Mt Cook: No

Do you think the current bylaw should be extended to include other suburbs or areas: No

Comments: In 2008, when the inner city liquor ban was extended, WCC indicated there was significant work in progress towards the development of an Alcohol Management Plan. The WCC document "Proposal to amend Liquor Control Bylaw" describes this as "the big picture plan" that will "take a consistent city-wide approach to alcohol management". We pose the question: Why are we still waiting for this plan?

The Council's own background document to this proposal admits that "the proposal was, to some extent, driven by concerns from the Newtown community", (p.4). The WCC Issues Paper in Feb 2010 states that to "address issues in Newtown the Police have made a commitment that its community engagement team has a higher presence in Newtown", indicating a willingness on the part of the Police to take a different approach.

To avoid a knee-jerk reaction to a relatively small hot spot, DCM urges the completion of the Alcohol Management Plan prior to the consideration of further radical extensions of the ban and encourages WCC to continue with the status quo.

Sharon Bennett

From: nicgaston@gmail.com
Sent: Thursday, 29 April 2010 9:51 p.m.
To: BUS: Policy Submission
Subject: Proposed Change to the Liquor Control Bylaw

The following details have been submitted from the Proposed Change to the Liquor Control Bylaw form on the www.Wellington.govt.nz website:

First Name: Nicola
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I would like to make an oral submission on 20 May 2010: Yes

I am making this submission: as an individual

Do you support the proposed amendment: Unsure

Comments: Living in the central city, I am more concerned about enforcement of the current bylaw. Specifically, I live around the corner from The Mill on Victoria Street, a liquor store that specialises in RTDs for the youth market, and it is disgusting how many empty bottles are left on the street on a Saturday or Sunday morning.

I am afraid that extending the Bylaw without improving the way that problem areas are dealt with will not achieve very much.

Do you think the current bylaw should be extended to include Newtown: Unsure

Do you think the current bylaw should be extended to include Mt Cook: Unsure

Do you think the current bylaw should be extended to include other suburbs or areas: Unsure

Comments: I have no strong objection to the current bylaw or its extension, and I am sure it is well motivated. However, my experience would suggest that there is a lot of "lower-level" harm going on, which does not result in calls to the police or ambulance services, but nonetheless is a significant part of the problem. I would ask the council to consider this when making their decision -

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in particular, whether there is anything that can be done to make liquor stores responsible for alcohol-related harm that occurs in their neighbourhood.

