
REPORT 4
(1215/52/IM)

STATEMENT OF PROPOSAL TO AMEND THE LIQUOR CONTROL BYLAW

1. Purpose of Report

To present a statement of proposal to amend the Liquor Control Bylaw. If the Committee agrees, the Statement of Proposal can be referred to Council to initiate the special consultative procedure as required by section 156 of the Local Government Act 2002.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note that legal advice concludes that the proposed draft Liquor Control Bylaw does not place unreasonable limitation on any rights established in the Bill of Rights Act 1990*
3. *Agree to consult on the draft Liquor Control Bylaw (attached as Appendix 1 of the Statement of Proposal) that:*
 - (a) *prohibits the consumption and possession of liquor in public places (including the existing Wellington Central Area, Oriental Bay and Mt Victoria) in the areas as shown in the map attached to the proposed bylaw*
 - (b) *applies on each Thursday, Friday and Saturday from 5pm until 8am the following day*
 - (c) *applies every year on Christmas Eve, the 24th of December and New Years Eve, the 31st of December from 5pm to 8am the following day*
 - (d) *provides for Council to resolve to invoke bans that prohibit the consumption and possession of liquor for specified events or periods in specified public places.*

4. *Recommend to Council that it agree:*
- (e) *a bylaw remains the most appropriate way of addressing the perceived problem and*
 - (f) *that the most appropriate form of bylaw is one that combines prohibition at specific times with an events based ban*
 - (g) *the bylaw does not place unreasonable limitation on any rights established in the Bill of Rights Act 1990*
 - (h) *to the Statement of Proposal (attached as Appendix 1) to amend the Liquor Control Bylaw*
 - (i) *to resolve that the bylaw proceeds through the special consultative procedure as required by section 156 Local Government Act 2002.*

3 Background

3.1 Process to Amend the Bylaw

Section 147 of the Local Government Act 2002 (LGA 2002) enables the Council to make a bylaw for liquor control purposes in relation to any public place. The Council used those provisions to adopt a Liquor Control Bylaw on 30 October 2003 and to amend the Bylaw on 31 May 2006.

In making or amending a bylaw the LGA 2002 requires that the Council first determine that a bylaw is the most appropriate way of addressing the perceived problem. If it is, then the Council must determine whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the Bill of Rights Act 1990. The special consultative procedure contained in section 86 must be followed.

Attached, as Appendix 1, is a Statement of Proposal to amend the Liquor Control Bylaw so that a prohibition on the consumption and possession of liquor is in place on each Thursday, Friday and Saturday night from 5pm until 8am the following day. It applies to:

- the central area (excluding Thorndon and the area north of the stadium)
- the whole of Oriental Parade including the beach
- Mt Victoria.

The revised control area is depicted in the map attached to the draft bylaw. In addition it provides that the prohibition is permanently in place on Christmas Eve and New Years Eve.

3.2 Timeline

Committee agreement is sought to refer the Statement of Proposal and draft bylaw to the Council on 12 April 2007 so that the special consultative procedure can be initiated and commence on 13 April 2007.

The proposed timeline for amending the bylaw is:

- 12 April 2007 Council considers the Statement of Proposal to amend the current Liquor Control Bylaw and resolve that the bylaw proceed through the special consultative procedure as required by section 156 Local Government Act 2002
- 13 April 2007 Special consultative procedure commences
- 1 June 2007 Written submissions close
- 7 June 2007 Strategy and Policy Committee hears oral submissions.
- 14 June 2007 Present analysis of consultation and written submissions for consideration and approval of proposed bylaw
- 28 June 2007 Proposed bylaw presented to Council for adoption
- 19 July 2007 Bylaw comes into effect.

4. Conclusion

Officers recommend that Strategy and Policy Committee agree to the Statement of Proposal amending the current Bylaw and recommend to Council that it initiates the special consultative procedure so that there is a ban on consumption and possession of liquor in public places on each Thursday, Friday and Saturday night from 5pm to 8am the following day, and every year on Christmas Eve, the 24th of December and New Years Eve, the 31st of December from 5pm to 8am the following day. Such a ban would apply to the areas shown in the map attached to the Statement of Proposal.

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Supporting Information

1) Strategic Fit / Strategic Outcome

This paper is consistent with Council's overall vision of Creative Wellington – Innovation Capital and contributes to Outcome 9 Safer

2) LTCCP/Annual Plan reference and long term financial impact

There are no financial implications. It is expected that costs associated with signage and publicity will be met from the operating budget.

3) Treaty of Waitangi considerations

The proposal will be sent to manawhenua as part of the special consultative procedure.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Once Council has agreed the consultative procedure required by the LGA 2002 will be initiated.

b) Consultation with Maori

The proposal will be sent to manawhenua as part of the special consultative procedure.

6) Legal Implications

The legal implications of the proposal are discussed in the background section. The proposal incorporates advice received from the Council's legal advisors.

7) Consistency with existing policy

The Statement of Proposal is consistent with existing policy.