

WELLINGTON CONSOLIDATED BYLAW 1991

PART 23 – LIQUOR CONTROL

Purpose

This part of the bylaw prohibits the consumption and possession of liquor in public places continuously at all times. It applies to Wellington city, Oriental Bay, Mt Victoria and Aro Valley as shown on the attached map. The bylaw includes a process to obtain prior written permission from the Council to authorise events that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

The purpose of this bylaw is to address concerns relating to potential criminal offending and safety concerns that are linked to the possession or consumption of liquor in public places. By imposing this ban, the consumption of liquor within the Wellington Central Area, Oriental Bay, Mt Victoria and Aro Valley should primarily be restricted to private residences or licensed premises.

The bylaw is introduced pursuant to s147 of the Local Government Act 2002 – this section should be read together with this part of the bylaw as it contains relevant definitions and the situations when this bylaw control will not apply (particularly relating to the transportation of unopened liquor). Pursuant to s169 and s170 of the Local Government Act 2002, the Police can enforce this part of the bylaw. Further details on the statutory provisions are provided as a note at the end of this part of the bylaw.

Definitions

Wellington Central Area means the area inside the boundaries depicted in the attached map but excluding:

- a. Any area that is subject to a road encroachment issued by the Council;
- b. Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

23.2 Liquor Prohibition

23.2.1 The consumption or possession of liquor in a public place (including while in a vehicle), is prohibited within the Wellington Central Area, Oriental Parade, Mt Victoria and Aro Valley as shown on the attached map. This prohibition is effective continuously at all times.

23.2.2 In addition to the prohibition in Clause 23.2.1 above, the Council by resolution may order a prohibition on the consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places for specified special events. The prohibition must be notified in the appropriate Wellington

metropolitan newspaper at least 14 days in advance of the special event.

23.3 Council Permission

- 23.3.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw.
- 23.3.2 The process for obtaining the Council's permission is outlined in Part 1 (Introduction) of this bylaw.

23.4 Signage

- 23.4.1 The Council will erect signage within public places covered by this bylaw to provide information to the public on the terms of the bylaw. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the bylaw.

23.5 Offences

- 23.5.1 Everyone commits an offence who:
- a. Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
 - b. Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 23.3 of this bylaw.

Note:

This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:

Section 147 empowers the Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.

Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.

Section 170 sets out certain conditions imposed on the Police powers of search under s169.

This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.