

**STATEMENT OF PROPOSAL TO AMEND
THE LIQUOR CONTROL BYLAW**

STATEMENT OF PROPOSAL

Wellington City Council Liquor Control Bylaw 2008

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Appendix 1 - Proposed bylaw: Liquor Control Bylaw

1. Introduction

The objective of the Liquor Control Bylaw amendment is to:

- address growing concerns about the escalation of public-place liquor consumption, associated anti-social behaviours, and alcohol-related harm outside the current control area and control times of the existing Bylaw
- improve perceptions of Wellington as a safe and vibrant city.

The current Bylaw:

- prohibits the consumption and possession of liquor in public places in the Wellington central area, Oriental Bay and Mt Victoria (the control area) on each Thursday, Friday and Saturday from 5pm until 8am the following day
- prohibits the consumption and possession of liquor in public places on Christmas Eve and New Year's Eve in the control area from 5pm to 8am the following day
- enables the Council to invoke a prohibition for special events anywhere in Wellington.

It is proposed that the Bylaw is amended so that:

- the possession and consumption of liquor is prohibited in public places in the control area 24 hours a day, seven days a week
- the control area is extended to include Aro Valley (as shown on the map attached to the Bylaw).

The process to obtain prior written permission from the Council to authorise events that would otherwise breach the Bylaw will remain. The ability for the Council to invoke a prohibition for special events anywhere in Wellington will also remain.

Section 147 of the Local Government Act 2002 (LGA) provides for the Council to make a bylaw for liquor control purposes in relation to any public place under the control of the Council. The current Liquor Control Bylaw was adopted in June 2007 and came into effect in July 2007.

The LGA requires that a special consultative procedure is used when it is proposed to make or amend a bylaw. This Statement of Proposal has been prepared in accordance with the requirements set out in Section 86 of the LGA for the adoption of the special consultative procedure.

It includes:

- the reasons for the proposal
- consideration of whether a bylaw is the most appropriate way to address the perceived problem
- whether the proposed bylaw is the most appropriate form of bylaw
- implications under the New Zealand Bill of Rights Act 1990
- a draft of the proposed bylaw.

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2. Have your say

Wellington City Council is keen to know what you think about the matters covered by this review. Anyone can make a submission on the issues covered by the review.

If you wish to make a submission, please ensure you include the following information:

- your name, postal address, phone number, fax number and email address (if applicable)
- your submission, with reasons for your views
- any changes you would like considered
- whether you wish to speak to the Council in support of your submission.

A submission form is attached to help you.

Councillors will consider all the submissions and take account of the issues raised before deciding on whether to adopt the bylaw. The process and timetable for conducting this review is shown in section six of this document.

Please fill in the attached submission form or make a submission on line at www.wellington.govt.nz or email your submission to policy.submission@wcc.govt.nz.

Submissions can also be faxed to (04) 801 3231, or sent to:

Freeport 2199
Liquor Control Bylaw Review Consultation
Policy Unit
Wellington City Council
P O Box 2199
Wellington

The consultation period is as follows:

3 April 2008	Consultation commences
8 May 2008	Written submissions close
22 May 2008	The Strategy and Policy Committee hears any oral submissions.

3. Reasons for proposal

There are growing concerns about the escalation of public-place liquor consumption, associated anti-social behaviour and alcohol-related harm outside the control time and control area of the existing Bylaw. Public-place liquor consumption and associated disorder are adversely affecting perceptions of Wellington as a safe, healthy, vibrant city.

3.1 Problem definition

The Liquor Control Bylaw is an early-intervention tool that prohibits the possession and consumption of liquor in public places, and reduces the negative downstream effects of liquor consumption. It is recognised that liquor consumption can fuel a range of anti-social behaviour including intimidating and threatening behaviour, disorder and criminal activity. Early intervention reduces the incidence of this behaviour and associated activity. The Bylaw was adopted on 30 October 2003 and amended in 2006 and 2007.

This statement of proposal does not re-litigate the premise for prohibition.

3.1.1 Public Place liquor consumption outside the control time of the existing Liquor Control Bylaw

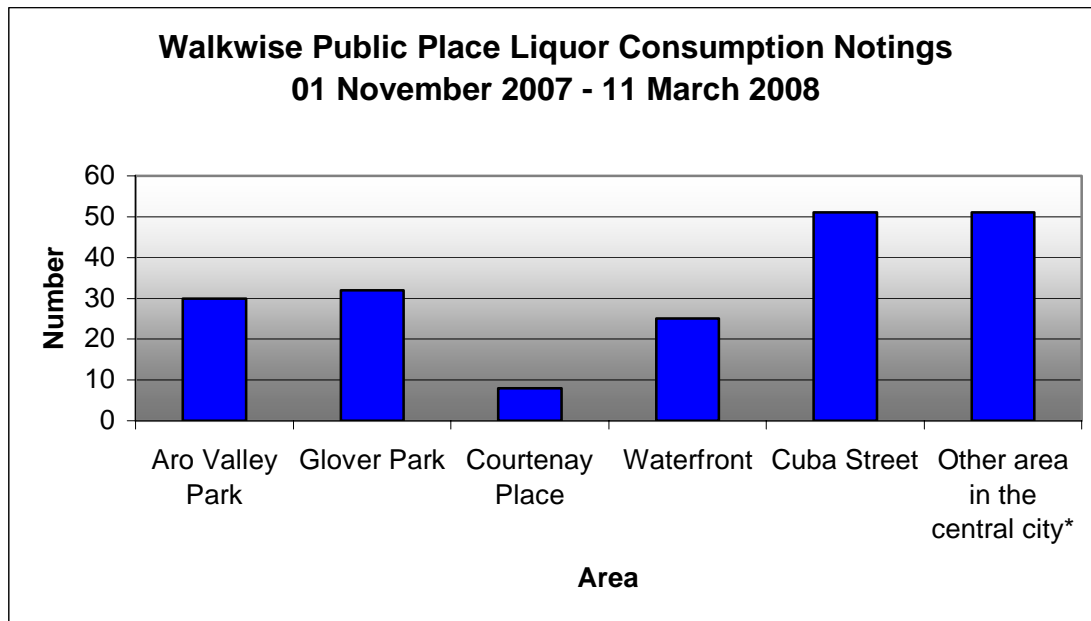
Previously, perceived problems associated with public-place liquor consumption (escalation of criminal offending and anti-social behaviour impacting on people's perceptions of Wellington as a safe city) have centred on hotspots in the city and numbers and types of offences on particular days of the week.

However, an increasingly busy inner city and changing drinking habits are resulting in more people drinking liquor in public places, regardless of the time of day or day of the week.

In the five-month period from 1 November 2007 to 11 March 2008, Walkwise has noted 197 instances of public-place drinking in the central city (currently within the existing control area of the Bylaw) and Aro Valley (outside the control area). This equates to about 40 notings per month. Of the total number of notings, 138 (70%) are outside the current control time of the Bylaw. Attendant problems associated with some public-place liquor consumption noted by Walkwise included anti-social behaviour, intimidation and littering.

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Table 1: Walkwise Public Place Liquor Consumption Notings



* Other areas in the central city include Manners, Dixon, Taranaki and Vivian Streets.

There is evidence that public-place drinking occurs in the current control area outside the hours of the current Bylaw. Public-place drinking contributes to the incidence of disorderly conduct, anti-social behaviour and violence making people feel intimidated and threatened. Concerns have been raised about the negative impact alcohol-related harm is having in the control area. A continued increase in alcohol-related disorder could result in people choosing to stay away from the area because they perceive it to be unsafe.

Concerns associated with public-place liquor consumption in the Cuba Street area have been raised with the Council. However the problems appear to be more acute in this area during the daytime and evenings. Public-place liquor consumption and an escalation in anti social behaviour related to public-place drinking are creating an increasingly volatile environment for business owners and customers.

In February 2008, the Council received a petition from 113 retailers in the Cuba Street area, requesting a 24-hour, seven day a week (24/7) alcohol ban in Cuba Mall, Glover Park and surrounding areas.

Signatories to the Cuba Street petition¹ noted a range of ongoing concerns regarding anti-social behaviour often linked to the consumption of liquor, including:

- intimidating, aggressive and abusive behaviour toward staff and customers
- theft and vandalism
- lewd behaviour
- violence
- staff and customer safety concerns.

¹ *Zero Tolerance on Alcohol*; Petition; Presented to the Wellington City Council Strategy and Policy Committee on 14 February 2008.

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Cuba Street retailers and residents have also noted the presence of gang members attracting attention in the area drinking in public places and exhibiting a range of anti-social behaviours.

3.1.2 Safety Issues

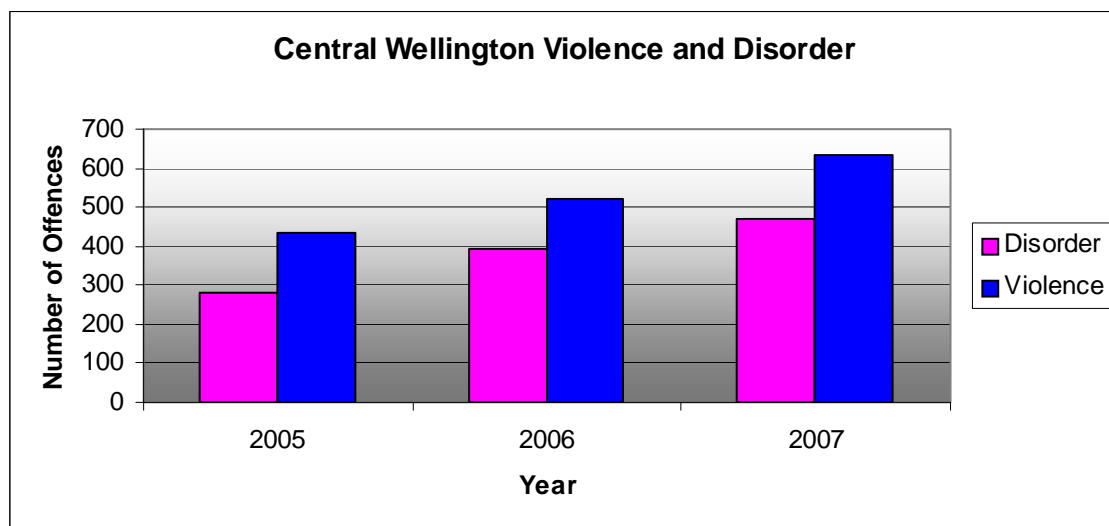
Public-place liquor consumption and negative perceptions of safety in Wellington have escalated and are adversely affecting the Council's strategic aims – that Wellington is a safe, healthy, vibrant city. Some people feel less safe when alcohol is consumed in public places, regardless of whether criminal offending occurs or not.

The 2007 Annual Residents Satisfaction Survey recorded a drop in the number of residents who felt safe in the city at night. The leading issue that made respondents feel less safe was a perceived increase in alcohol and drug-related problems in the city.

Similar concerns were also reflected in the results of a 2007 TNS – *Dominion Post* election poll. Crime and safety was listed as one of the top 10 issues for the city; underage drinking, safety in the streets, and removing intoxicated people from Cuba Mall were also cited as concerns.

Public perception about the escalation of alcohol-related harm is warranted. Table 2 illustrates the escalation in disorder and violence offences in the central city over the past three years.

Table 2: Violence and Disorder Offences in Central Wellington



The Police report that:

- peak hours for criminal offending are between 10pm and 6am on Wednesday, Friday and Saturday nights; and
- 92% of these offences are alcohol related.

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Although a high proportion of violence and disorder offences in the central city occur between the hours of 10pm and 6am on Wednesday, Friday and Saturday nights, other hours of the day/days of the week are not immune from disorder and violence. Tables 3 and 4 record violence and disorder activity in the central city by the time of day and day of the week during 2007.

Table 3: CBD Violence and Disorder 2007 – by Time of Day

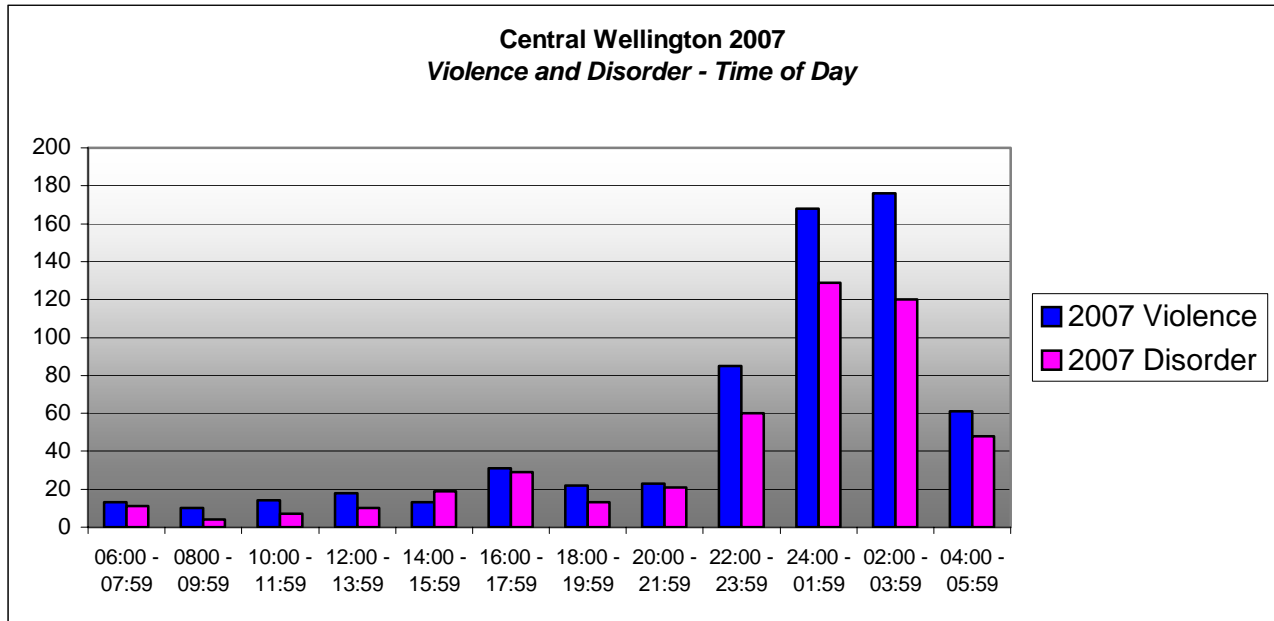
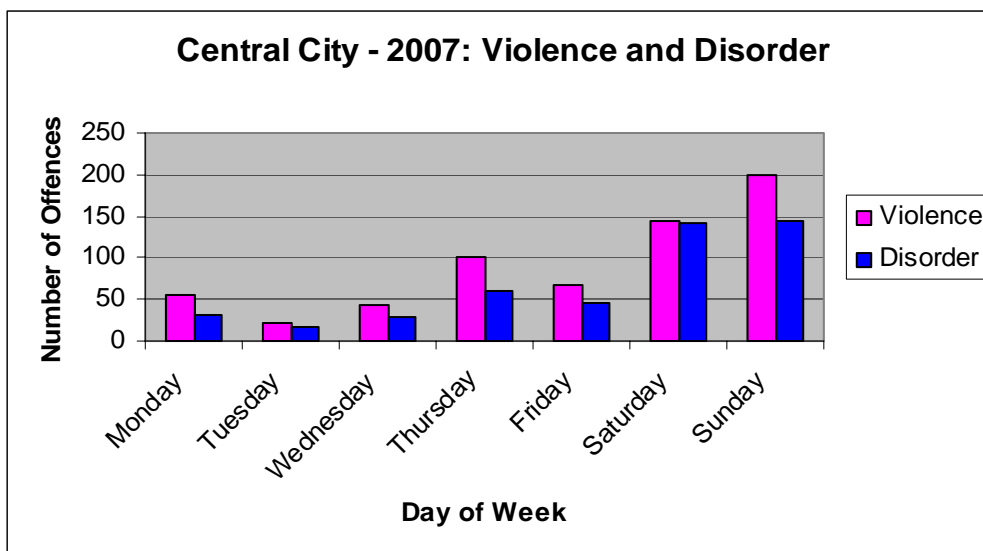


Table 4: CBD Violence and Disorder 2007 – by Day of Week



Attached as Appendix 2 is a breakdown of violence, disorder and theft offences in the Liquor Control Area from 2005–2007.

3.1.3 Awareness of the Liquor Control Bylaw

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A 2005 evaluation of the Liquor Control Bylaw² concluded there was a general awareness of the Liquor Control Bylaw but confusion over the days and hours it was in effect. The Courtenay Place Project³ also noted a number of reasons why public-place drinking occurs, including confusion over the hours and days of the liquor ban and what constitutes a public place.

In response to these issues associated with alcohol-related harm, the Courtenay Place Project Report recommended a 24/7 liquor control regime across the entire central city. The reasons for the recommendation focused on the negative downstream effects of public-place liquor consumption, their impact on perceptions of Wellington as a safe and vibrant city, and confusion associated with the control time of the existing Bylaw.

The introduction of 24/7 liquor control applied consistently across the control area of the Bylaw will likely eliminate public confusion, and increase public awareness and compliance with the Bylaw.

A continuous 24/7 liquor control regime in the central city is warranted to address the volatility associated with public-place liquor consumption and its affect on the social, cultural and economic wellbeing of the central city. The combination of a consistent, continuous prohibition, as well as enforcement, education and signage, will likely counter the recent escalation in negative perceptions of safety in Wellington.

3.2 Aro Park

Aro Park, in the Aro Valley, is currently not included in the control area of the Bylaw.

Since December 2006 there has been a regular group of people drinking alcohol in Aro Park. While to date, at the request of the Aro community, they have moved off-site further up Aro Street when students of Te Aro School make their way through the park after school, it appears their drinking has signalled the Park is a good spot for younger and less orderly groups to join them to drink.

Walkwise has noted 30 instances of public-place liquor consumption in Aro Park since 1 November 2007. Public-place drinking in the park occurs during the day and early evening and is often accompanied by intimidating and aggressive behaviour, littering, vandalism and, in one instance, a small fire. Liquor consumption and anti-social behaviour in the park is not occurring as a result of displacement from the central city due to the existing Liquor Control Bylaw.

While the Aro Valley community has tried to manage much of the behaviour associated with liquor consumption, the Police have also been called to the park

² *Liquor Control Bylaw Evaluation*; Wellington City Council; 1 December 2005. The Liquor Control Bylaw in operation at that time prohibited the consumption and possession of liquor in public places in central Wellington on Friday and Saturday nights till 6am the following day. From May to October the prohibition began at 5pm and from November to April it began at 8pm.

³ *Courtenay Place Project*; Wellington City Council Strategy and Policy Committee; 6 March 2008; Report 1.

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on occasions when workers in the area and members of the public have felt vulnerable and threatened by alcohol-related disorderly behaviour.

The park is next to the Community Centre and Aro Valley Community Crèche, and is also used by children as they make their way home from Te Aro School. Anti-social behaviour in this populated area has had a negative impact on perceptions of Aro Park as a family-friendly and community-orientated space.

4. Is a bylaw the most appropriate way to address the problem?

The Liquor Control Bylaw provides for early intervention to manage the downstream effects of liquor consumption in public places. It is a city safety initiative that:

- reduces alcohol-related disorder and crime
- provides a safe city environment
- enhances the quality of the city environment.

The community consultation process involved in creating and amending the Bylaw underlies the fact that the Bylaw is a local solution to local problems associated with alcohol consumption.

While the Police focus on ensuring compliance with the Sale of Liquor Act by licensees and patrons of licensed premises, uncontrolled and unregulated use of alcohol in public places can frustrate goals of inner city safety and crime reduction - especially on main public thoroughfares and in inner city parks.⁴

The Summary Offences Act 1981, Crimes Act 1961 and Sale of Liquor Act 1989 establish offences for some liquor-related behaviour. However, it is appropriate to pre-empt situations arising before offending occurs, and the Liquor Control Bylaw provides the requisite tool to do this.

The recent escalation in public-place drinking, associated anti-social behaviour and harm, and negative perceptions of safety in the central city justify consideration of a 24/7 liquor control. There are no other low-level tools to manage the escalation of public-place drinking, other than extending the control time and control area of the existing Bylaw. For example, education is not a practicable option while people are drinking in public places, although there are a range of education and information programmes available as early-intervention tools. Education is unlikely to be helpful at the time public-place drinking is occurring.

The inclusion of Aro Park in the control area of the Bylaw is also justified. The escalation of public-place liquor consumption and associated anti-social behaviour in the park has had a negative impact on perceptions of this area as a safe, family-friendly community space.

Should the incidence of alcohol-related harm (disorder, anti-social behaviour, and criminal offending) continue to increase, negative perceptions of safety in

⁴ Webb, M; Marriot-Lloyd, P; Grenfell, M. *Banning the bottle: Liquor bans in New Zealand*. (2004).

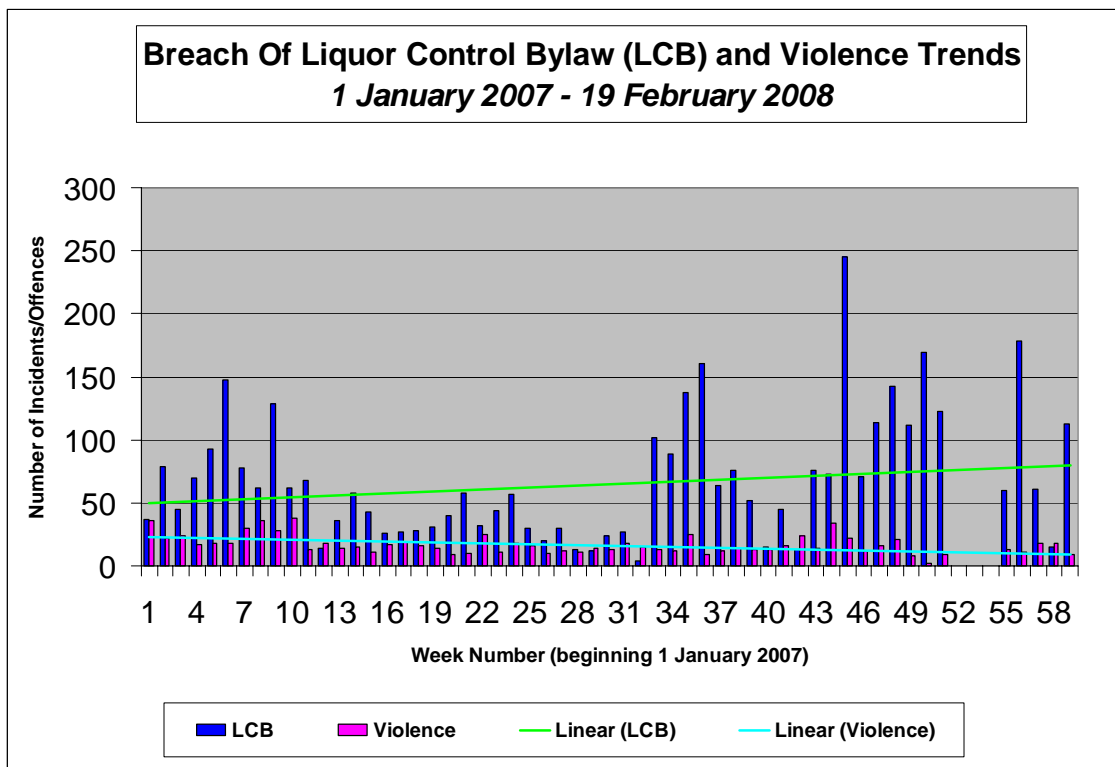
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Wellington will likely escalate. As there are no other practicable options to manage the public-place drinking and associated safety concerns outside the hours of the existing bylaw, consideration of a 24/7 liquor control is warranted.

Police support a 24/7 Bylaw as it will allow for better management of an increasingly active inner-city, and help them deal with anti-social behaviour and crime related to alcohol.

In 2005, the Council undertook an evaluation of the Liquor Control Bylaw. The review concluded there was no evidence that offending related to public-place alcohol consumption was reduced. However, in 2007 Police statistics showed that violent offending relating to alcohol consumption decreased when enforcement of the Bylaw increased. Table 5 illustrates the corresponding decrease in violence when Bylaw enforcement increased.

Table 5: Breach of Liquor Control Bylaw and Violence Trends



A Liquor Control Bylaw prohibition is not a panacea, however, and does not on its own:

- 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).

What the Bylaw does, though, is complement the range of initiatives that

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contribute to a safe and vibrant city, including Walkwise, CCTV, liquor licensing policies and the Council's community interaction programme.

“Evidence suggests that liquor bans are most effective when introduced alongside a range of other initiatives, policing practices and complementary strategies such as CCTV, host responsibility/server intervention policies on licensed premises, controlled-purchase operations and regulatory enforcement of poorly performing licensed premises.”⁵

5. Assessment of options for LGA decision-making requirements

In adopting the Bylaw, the Council must agree that the proposed Bylaw is the most appropriate form to address the perceived problem of drinking in public places. The following are options to address these issues:

5.1 Options

Option 1: Status quo (not recommended)

The current bylaw prohibits the consumption and possession of liquor in the Wellington central area, Oriental Bay and Mt Victoria (the control area) each Thursday, Friday and Saturday from 5pm until 8am the following day.

Public-place liquor consumption is increasing in the central city; specifically in Cuba Street and Courtenay Place, as well as Aro Park, regardless of the time of day/day of week. Residents, retailers and Police have a range of concerns linked to an increase in public-place liquor consumption which negatively affect people's perceptions of safety in Wellington city.

This option is not recommended as it will not:

- address the escalation of public-place drinking and associated anti-social behaviours outside the control area and control time of the existing Bylaw;
- improve perceptions of Wellington as a safe and vibrant city.

Option 2: Impose a 24/7 control in the Wellington central area only (not recommended)

This option proposes that the Wellington central area be subject to 24/7 liquor control, while Mt Victoria and Oriental Bay continue to operate under the existing liquor restriction - each Thursday, Friday and Saturday from 5pm until 8am the following day.

Extending the Bylaw to 24/7 liquor control is the only low-level tool available to prevent anti-social behaviour associated with public-place liquor consumption and negative perceptions of safety from escalating outside the current control

⁵ See footnote 2.

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time. It provides a mechanism to address the gaps in current measures that contribute to a safe and vibrant city.

There is strong support for 24/7 liquor control across the central city from the Courtenay Place Residents Group, Courtenay Quarter Accord, and Cuba Street business owners.

The Police have indicated they would support 24/7 liquor control, and would support the introduction of continuous control across the entire control area – the Wellington central area, Mt Victoria and Oriental Bay. Having parts of the city included in the Bylaw with different control times will likely cause confusion, and the control area boundaries would be harder to enforce.

The 2005 evaluation of the Bylaw⁶ concluded there was a general awareness of the Bylaw but confusion over the days and hours it is in effect. Confusion and boundary issues associated with the Bylaw are likely to escalate if control times vary across the control area.

Furthermore, the compact nature of Wellington City (suburbs bordering the central area with limited geographically-distinct boundaries) means the risk of displacement to other control areas not included in a 24/7 control time is likely – especially from Courtenay Place to Oriental Bay.

Option 3: Impose 24/7 control across the entire Bylaw area – the Wellington central area, Mt Victoria and Oriental Bay (recommended)

This option proposes 24/7 control across the entire Bylaw control area.

As per Option 2, extending the Bylaw to 24/7 control is the only low-level tool available to prevent anti-social behaviour associated with public-place liquor consumption and negative perceptions of safety escalating outside the current Bylaw control time. It provides a mechanism to address the gaps in current measures that contribute to a safe and vibrant city.

From an enforcement perspective, Police advise that they would endorse a 24/7 liquor control that consistently operated across the control area for the following reasons:

- having parts of the city with differing hours will likely cause confusion
- the boundaries are harder to enforce when different parts of the city are affected by the Bylaw at different times
- it is a positive step towards keeping a lid on anti-social behaviour
- displacement is likely to occur if only part of the area operates under 24/7 control.

Education about the Bylaw is also likely to be improved with the introduction of consistent 24/7 control across the Bylaw area. Existing signage educating the

⁶ *Liquor Control Bylaw Evaluation*; Wellington City Council; Baretta G; 1 December 2005. The Liquor Control Bylaw in operation at that time prohibited the consumption and possession of liquor in public places in central Wellington on Friday and Saturday nights till 6am the following day. From May to October the prohibition began at 5pm and from November to April it began at 8pm.

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public about where and when the Bylaw operates is complex. Signage depicting a continuous and consistent 24/7 control would be clear, consistent and could be immediately put into action.

Consistent control across the entire Bylaw area will likely result in an increased awareness of, and compliance with, the Bylaw - providing clarity over when and where public-place drinking is prohibited. People will be less likely to become accustomed to drinking in public places if a consistent and continuous control time operates across the area. Furthermore, the combination of education, signage and enforcement will likely counter the recent escalation in negative perceptions of safety in the city.

Option 4: Include Aro Valley in the Bylaw (recommended)

The existing control area of the Bylaw does not include Aro Park.

This option proposes that the Aro Valley be included in the amended Bylaw to:

- address the ongoing escalation of public-place liquor consumption and associated anti-social behaviours in Aro Park; and
- counter the recent escalation of safety concerns and improve perceptions of this area as a family-friendly, community-oriented, space.

Given that public-place liquor consumption and the subsequent downstream effects of this occur in Aro Park predominately in the daytime and early evening, Aro Park should be included in a continuous 24/7 control time.

If Aro Park is not included in the control area of the Bylaw, there is significant risk that liquor consumption and corresponding anti-social behaviour will continue to escalate.

There is also an inherent risk that if Aro Park is excluded from a 24/7 liquor control imposed on the central city, displacement to the park will occur because:

- i) it is already a spot for public-place drinking; *and*
- ii) it is close to the central city.

The revised control area of the Bylaw incorporating Aro Park area is depicted in the map attached to the draft bylaw amendment. The inclusion of Aro Park is, in effect, an extension of the area covered by the existing Bylaw. The Police support this recommendation.

Option 5: Include Central Park in the amended Liquor Control Bylaw (not recommended)

The control area of the existing Bylaw does not include Central Park. This option proposes that the control area of the Bylaw be extended to include Central Park.

If 24/7 liquor control is imposed in the existing control area of the Bylaw, there is an inherent risk that displacement to Central Park will occur because it is close to the central city. Furthermore, if Aro Park is included in the control area, again there is a risk of displacement to Central Park because it is close to the Aro Valley.

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However, there have been no known problems of public-place liquor consumption, associated anti-social behaviour or safety issues associated with public-place liquor consumption in Central Park to date. Therefore, the exclusion of Central Park from the control area is justified for the time being.

If 24/7 control operates in the control area of the Bylaw, any potential displacement of public-place drinking must be monitored to surrounding areas - including Central Park.

5.2 Most appropriate form of Bylaw

The proposed bylaw attached as Appendix 1 is recommended as the best way to address the perceived problem of drinking in public places.

The proposed bylaw:

- prohibits the possession and consumption of liquor in public places in the Wellington central area, Aro Valley, Mt Victoria and Oriental Bay (the control area) 24 hours a day, seven days a week (24/7).
- enables the Council to invoke a prohibition for special events in a public place anywhere in Wellington.
- includes a process to obtain prior written permission from the Council to authorise any activity that would be in breach of any prohibition under this part of the Bylaw.

There are some events in public spaces for which consumption of liquor is an integral part of the event. For such events, there is provision for event organisers to apply to the Council for dispensation from the Bylaw on those occasions when those events fall within ban times. To date, only one exemption has been sought from the Bylaw⁷.

The Bylaw does not apply to encroachments or to licensed premises with pavement leases. It does not prohibit the carrying of unopened liquor containers from licensed premises or to licensed premises provided the liquor is removed from the public place promptly.

5.3 NZ Bill of Rights Act 1990 - Implications

The Bill of Rights Act 1990 (BORA) sets out the fundamental freedoms and rights of all New Zealanders, including freedom of expression, peaceful assembly and association. Under the BORA, these rights and freedoms are subject only to reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.⁸

The Bylaw is consistent with the specific empowering provisions prescribed by law in the Local Government Act 2002.⁹ Furthermore, the rights contained in the BORA, (freedom of expression, peaceful assembly and association) are not specific to alcohol or reliant on alcohol. Therefore these rights are not impinged by the proposed Bylaw except to the extent that alcohol is involved.

⁷ The exemption was sought by, and granted for, a private business hosting a Christmas function for staff in Waitangi Park in 2007.

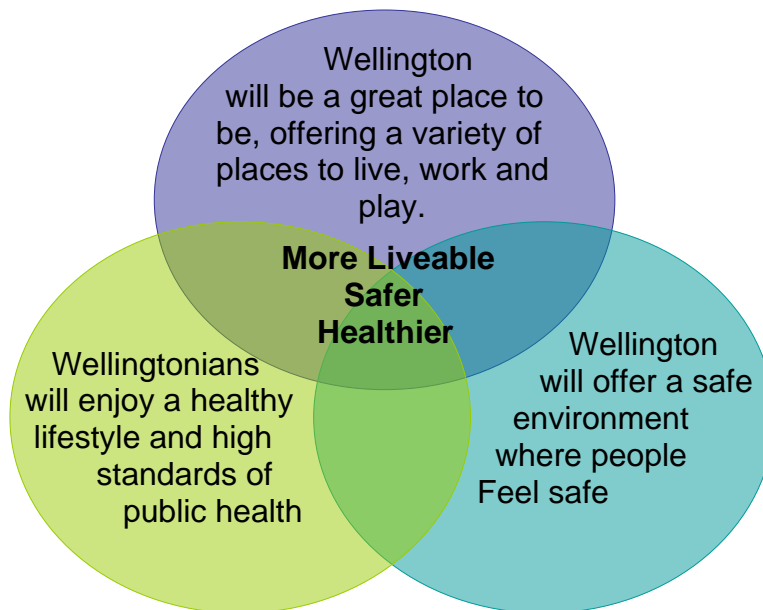
⁸ Section 5; New Zealand Bill of Rights Act 1990.

⁹ Section 147; Local Government Act 2002 - provides for the Council to make a bylaw for liquor control purposes in relation to any public place under the control of the Council.

5.4 Relationship to Wellington City Council's Strategies

The proposed Bylaw, attached at Appendix 1, will contribute to Wellington City Council's Strategic aims; that Wellington will be safer, healthier and more liveable. Table 6 illustrates that the Bylaw has relationships with three of the Council's Strategic aims.

Table 6: Relationship to Strategic aims



6. Implementation

6.1 Enforcement

As provided in section 169 of the LGA, the Police will continue to be responsible for the enforcement of the Bylaw. The Police can:

- search a container or vehicle entering a public place
- seize and remove the liquor if the liquor is in breach of the Bylaw
- arrest a person who has been asked, and has refused, to either leave a public place or surrender liquor that is in breach of the Bylaw.

The Police advise that the bylaw will continue to be used as an early-intervention tool. That is, people breaching the Bylaw will be given ample opportunity to comply by relinquishing the alcohol or by leaving the public place.

6.2 Publicity and signage

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The signage in place for the existing Bylaw will be updated as required following the Council's final decision.

6.3 Process and timeline

The proposed Bylaw has been developed through internal consultation with Council officers and through consultation with the Police.

External consultation will be undertaken in terms of the special consultative procedure required under section 156 of the Local Government Act 2002.

The timeline for the bylaw review from this point is as follows:

27 March 2008	The Council considers the proposed bylaw and initiates the special consultative procedure as required under section 156 of the Local Government Act 2002.
3 April–8 May 2008	Consultation period.
22 May 2008	The Strategy and Policy Committee hears the oral submissions.
12 June 2008	The Strategy & Policy Committee considers report on the special consultative procedure.
27 June 2008	The Council will reflect on the report from the Strategy and Policy Committee and consider the adoption of the proposed bylaw.

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APPENDIX 1

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 central area, 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 Liquor Control 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 Bay, 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.

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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 the Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise a 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.

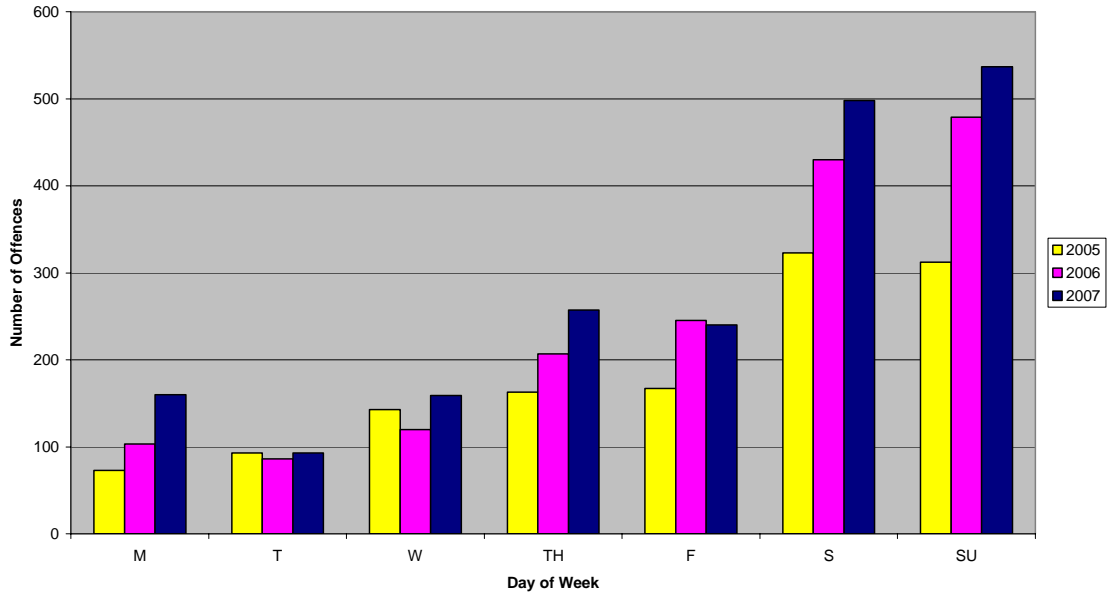
This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

APPENDIX 3

Map to go in here

Appendix 2

Violence & Disorder: Offences by Day of Week - Liquor Control Bylaw



Theft: Offences by Day of Week - Liquor Control Bylaw Area

