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# **Alcohol Control Bylaw - Kilbirnie and Kelburn**

## **Statement of Proposal April 2019**

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## Summary of information

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A number of people and community groups have told us they would like to see alcohol ban areas established in Kilbirnie and Kelburn Park. These places were not proposed as alcohol ban areas in the recent review of the Council's Alcohol Control Bylaw.

However given the desire for these areas to be added to the bylaw, we are keen to hear the wider community's views on creating alcohol ban areas in Kilbirnie and Kelburn Park.

It's unlawful to consume or possess alcohol in alcohol ban areas, with exceptions for taking alcohol to or from places within the area.

The Council seeks your views on changing the Alcohol Control Bylaw to create alcohol ban areas in:

- the Kilbirnie area, bordered by Mahora Street, Coutts Street, Childers Terrace, Evans Bay Parade (from Kemp Street) and Rongotai Road - as shown as 'A' in Figure 1, page 8. Ban in place 24 hours, seven days a week.
- Kilbirnie Park and surrounding streets as shown as 'B' in Figure 1, page 8. Ban in place 24 hours, seven days a week.
- Kelburn Park - as shown in Figure 2, page 9. Ban in place between the hours of 8pm-8am, seven days a week.

<b>Key dates</b>	<b>Activity</b>
1 April 2019	Submissions open
1 May 2019	Submissions close
28 May 2019	Oral hearings
June 2019	The City Strategy Committee considers submissions
June 2019	The Council decides whether to adopt the proposal
July 2019	If adopted, amendments to the Bylaw become effective.

## Have your say

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To have your say about the proposed changes to the Alcohol Control Bylaw you can:

- make a submission online at [wellington.govt.nz/haveyoursay](https://wellington.govt.nz/haveyoursay)
- download a submission form from the website and email it to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz)
- fill in the submission form and send it to  
Freepost 2199  
Alcohol Ban Bylaw Review 2019  
PO Box 2199  
Wellington 6140
- drop a completed submission form to our service centre at 101 Wakefield Street.

Printed copies of this statement of proposal are available from:

- the service centre
- libraries
- by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz)
- phoning 04 499 4444

### Questions for consultation:

These questions are intended to help guide your submission. We are interested in all submissions and thoughts on the proposed changes to the bylaw. You do not have to answer all the questions.

1. Do you support the proposal to create an alcohol ban area in the Kilbirnie area - shown as 'A' in Figure 1?
2. Do you support the proposal to establish an alcohol ban area in Kilbirnie Park and the surrounding streets - shown as 'B' in Figure 1?
3. If an alcohol ban was created in Kilbirnie, do you support it being in place 24 hours, seven days a week?
4. Do you support the proposed change to the alcohol ban area in Kelburn Park shown in Figure 2?
5. If an alcohol ban was established in Kelburn Park, do you support it only being in place between the hours of 8pm and 8am, seven days a week?
6. Have you experienced any alcohol related crime or disorder in any of the proposed areas?

## Review

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In 2018 the Council reviewed its existing Alcohol Control Bylaw. They determined having a bylaw to regulate the possession and consumption of alcohol in public places is the most appropriate option to address the problem of alcohol related anti-social behaviour and harm in public places. Kilbirnie and Kelburn were identified by submitters as areas of concern where they felt an alcohol ban was appropriate.

The Council agreed to consult with the community and is proposing to amend the Alcohol Control Bylaw to include Kilbirnie and Kelburn Park and is consulting with the public on the proposal.

Before making a new area, under section 147A of the Local Government Act 2002, the Council has to be satisfied that (among other things)

- (i) there is evidence the area in which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
- (ii) the bylaw is appropriate and proportionate in light of that crime or disorder.

The relevant background information on the proposed areas is set out below.

### Kilbirnie

The Council received 28 submissions from business and community groups, and members of the public, asking it to consider implementing an alcohol ban in Kilbirnie, as there were a number of instances of public drinking and anti-social behaviour recorded in the area. It was noted by submitters that “there are a large number of people who are hanging around on the street from early in the morning to late at night and it is putting people off coming to the area... they are spending their time sleeping on the street in sleeping bags, openly drinking, smoking and congregating and being fairly intimidating to

people that walk past.” The Council reviewed those submissions and determined the public be consulted on the proposal of a 24 hour, seven days a week alcohol ban for Kilbirnie.

The Council also agreed to work with the community to manage alcohol related issues. This will include an increased presence of Local Hosts, access to Meaningful Activities programmes, supporting a more intentional outreach service and tenancy services to address homelessness and those at risk of homelessness. The Council agreed to work collaboratively with other agencies, including the police, to ensure a robust outreach team are present in Kilbirnie, which does not appear to be restricted to certain times of the day. This is consistent with existing alcohol control areas in the city.

The Council voted to consult with the community to create an alcohol ban area within the Kilbirnie Business Network area bordered by Mahora Street, Coutts Street, Childers Terrace, Evans Bay Parade (from Kemp Street) and Rongotai Road. This area is shown as ‘A’ in Figure 1, page 8.

Feedback from the community has also suggested that the area should also include Kilbirnie Park as well as Kilbirnie Crescent and Evans Bay Parade (from State Highway 1). This area is shown as ‘B’ in Figure 1, page 8. Discussions with staff at The Hub Toitu Poneke Community and Sports Centre have indicated they support extending the ban area due to increased presence of broken bottles found in the park and people leaving the centre to drink pre-purchased alcohol in the street and surrounding carpark and park areas. They fear that a potential ban on the Kilbirnie town centre area alone would likely result in the problem shifting to the park, effectively making the problem worse. We are interested in receiving public feedback on whether this area should also be included in the alcohol ban area.

## **Kelburn Park**

As part of the Alcohol Control Bylaw review, the Council received submissions outlining incidents of anti-social behaviour, litter and noise complaints relating to public behaviour involving alcohol in Kelburn Park. This area is outlined in Figure 2, page 9. After receiving and considering the submissions, the Council has decided to consult with the public about introducing an alcohol ban between the hours of 8pm and 8am, seven days a week. This is when the primary issues arise, and does not impact on the sporting and other day time activities in the park.

The Council has also agreed to support Victoria University in managing student behaviour in Kelburn. The University notes that it is able to monitor student behaviour in the park and intervene when appropriate. An alcohol ban may move the issue to areas that are not as well monitored and that are less well lit, including areas such as the surrounding bush, which is steep and hazardous and the Wellington Botanic Garden. In their view this could lead to concerns for public safety.

# Frequently Asked Questions

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## **What is an alcohol ban?**

A ban on the consumption and possession of alcohol in public spaces, including in vehicles, parks, beaches, and communal areas within the ban area. There are exceptions which cover the transportation of alcohol.

## **Who can enforce an alcohol ban?**

The Police are the only ones who can enforce an alcohol ban.

## **Does an alcohol ban impact my ability to drink in a bar/café/restaurant?**

An alcohol ban does not prevent you from drinking within a licenced establishment, providing that you adhere to the rules of the issued licence.

## **Does an alcohol ban impact my ability to drink on my own property?**

The Council cannot prevent you from drinking on your own private property; this includes Housing New Zealand and Council Housing properties.

## Proposed bylaw amendments

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If the bylaw is changed as proposed, the alcohol ban area map will be amended to include the areas set out below and, in Section 2: Interpretation, the definition of alcohol ban area will be amended to reflect these changes as follows:

**Alcohol ban area** means ~~that the following area areas:~~

- ~~including~~ the Wellington Central Area, Oriental Bay, Mt Victoria Lookout, Mt Victoria, Aro Valley, Central Park, Mt Cook and Newtown as shown in the alcohol ban area map attached as ~~Schedule A~~.
- Kilbirnie as shown in the alcohol ban area map attached
- Kelburn Park as shown in the alcohol ban area map attached.



Figure 1: Proposed alcohol ban area in Kilbirnie map

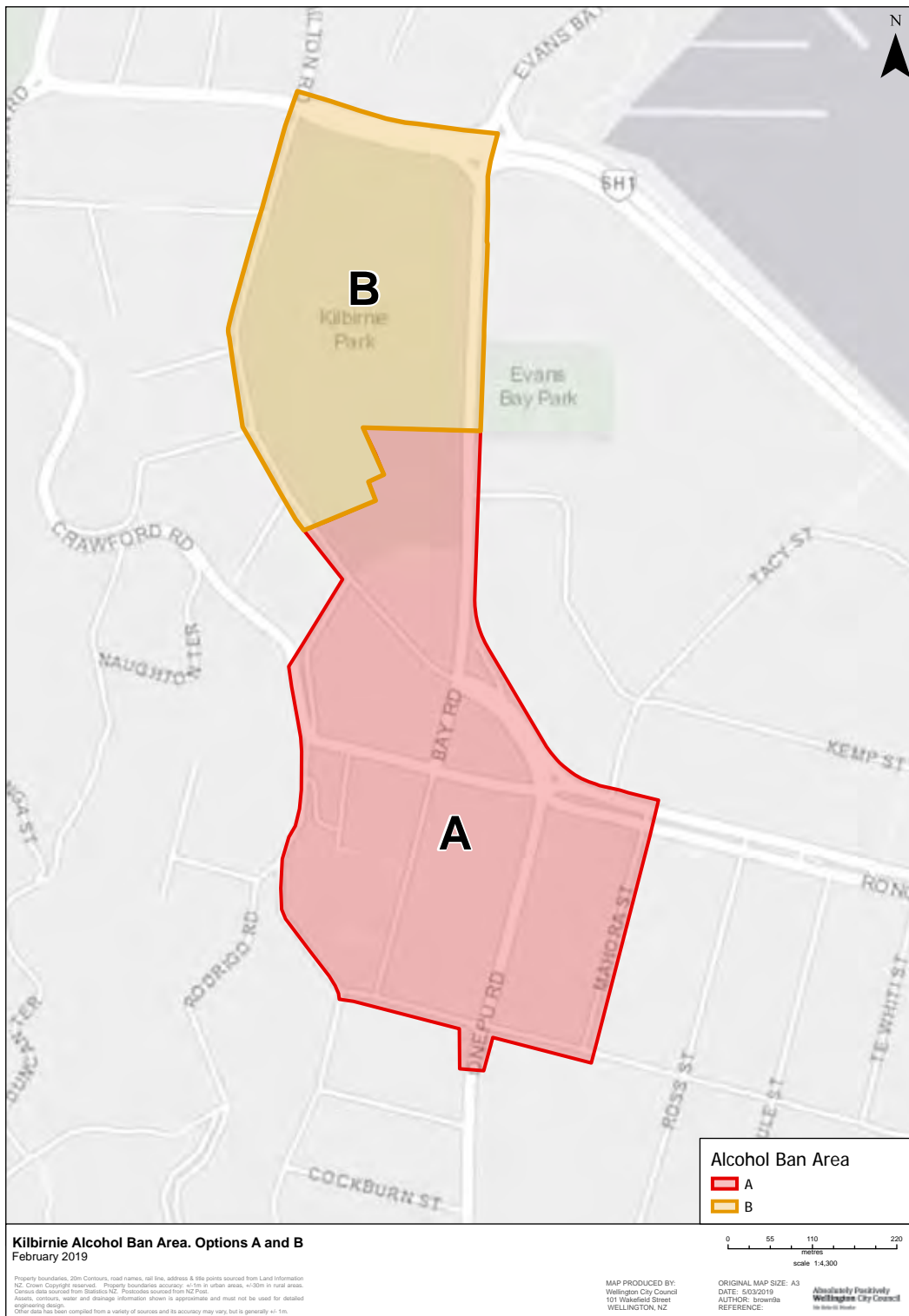


Figure 2: Proposed alcohol ban area in Kelburn Park

