


APPENDIX 2

| Options | Benefits | Limitations | Preferred Option/s |
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| <p><i>Status Quo</i> Liquor bans are dealt with by way of local authority bylaws</p> | <ul style="list-style-type: none"> • Local control • Working as intended | <ul style="list-style-type: none"> • Cost of regular reviews and changes via special consultative procedure • Constant public pressure to extend • Confusion around when and where it applies • Costs associated with notification of control zone are ongoing | |
| <p><i>Infringement Notices</i> Provide Police with power to issue infringement offence for breach of a liquor ban, with a reserve power of arrest for the purposes of safety of persons.</p> | <ul style="list-style-type: none"> • Instant penalty • Avoids criminalising for relatively minor offence | <ul style="list-style-type: none"> • Potential to congest system • Many of those breaching bylaw i.e. young or homeless have no or limited ability to pay • Cost to fine collection | |
| <p><i>No Restrictions</i> Place no restrictions on drinking in a public place</p> | <ul style="list-style-type: none"> • Rights of responsible citizens not impinged | <ul style="list-style-type: none"> • Contrary to Council view that public place drinking impacts on crime, public order and perceptions of safety | |
| <p><i>Drunk in a Public Place</i> Create an offence of being drunk in a public place</p> | <ul style="list-style-type: none"> • Puts responsibility back onto individual and their behaviour | <ul style="list-style-type: none"> • Difficult to determine i.e. at what level • Difficult to enforce – would be a subjective test • Create huge scope for litigation and clog up already congested court system | |

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| <p><i>An Offence to drink in Public</i> Create an offence of drinking in a public place</p> <p><i>Recommendation</i> that legislation provide ability for territorial authorities to exempt specific areas.</p> | <ul style="list-style-type: none"> • National consistency of time, place • No costs to WCC • Could allow for areas to be exempted • Allows for Police response to issues of public place drinking outside of current controlled area | <ul style="list-style-type: none"> • Applies everywhere, not just CBD or specified areas • WCC would need to consider exemptions, this would have associated costs i.e. officer time and consultation costs |  |
| <p>Power to Ban Provide power for the Police/Licensing Authority to ban specified persons from entering or remaining in an area or on specified premises within an area.</p> | <ul style="list-style-type: none"> • Similar to trespass authority • Targets those identified as problem at the time rather than everyone | <ul style="list-style-type: none"> • Hard to monitor i.e. who is banned • Not practical in terms of volumes | |
| <p><i>Power to Seize and Destroy Alcohol</i> Provide that where the Police have reasonable cause to suspect that a beverage contains alcohol, and have taken steps to ascertain that the beverage contains alcohol, that shall be sufficient proof that the beverage in fact contains alcohol for the purposes of seizure and destruction of the alcohol.</p> | <ul style="list-style-type: none"> • Formalises current practice • Eliminates costly requirement to test and store alcohol in cases of arrest | <ul style="list-style-type: none"> • Reliance on discretion of Police • Removes legal challenge regarding what was being consumed | |
| <p><i>Power to remove</i> Empower persons other than the police (for example, persons employed by local authorities) to transfer intoxicated persons home or elsewhere for safety reasons.</p> | <ul style="list-style-type: none"> • No benefits | <ul style="list-style-type: none"> • Serious issues around training of staff, health and safety issues for both staff and intoxicated person. | |