
REPORT 8
(1215/11/IM)

Report of the Strategy and Policy Committee
Meeting of Thursday 14 June 2007

Members: Mayor Prendergast, Councillors Armstrong (Chair), Ahipene-Mercer, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Ritchie, Ruben, Shaw, Wade-Brown and Wain.

THE COMMITTEE RECOMMENDS:

1. **ITEM 130/07P CONSULTATION PROCESS AND ADOPTION OF THE AMENDMENT TO THE LIQUOR CONTROL BYLAW (1215/52/IM) (REPORT 2)**

THAT Council:

1. (a) *Note that the Strategy and Policy Committee considered the draft bylaw and submissions, attached as Appendices 1 and 2 of the officers report at the 14 June 2007 meeting.*
- (b) *Resolve to adopt the Liquor Control Bylaw attached as Appendix 1 of this report, pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.*
- (c) *Resolve that the commencement date for the bylaw is 5pm 19 July 2007 allowing for at least fourteen days public notice, following the 27 June 2007 Council meeting.*
- (d) *Resolve that the draft bylaw (attached as Appendix 1 of this report) is part of the Wellington Consolidated Bylaw 1991.*
- (e) *Resolve to amend the Wellington Consolidated Bylaw 1991 by revoking Part 23 (Liquor Control) and replacing it with Part 23 (Liquor Control) attached as Appendix 1 of this report, to come into effect at 5pm 19 July 2007.*

Robert Armstrong
Chair

Wellington consolidated bylaw 1991

Part 23 – Liquor Control

This part of the bylaw prohibits the consumption and possession of liquor in public places from 5pm each Thursday, Friday and Saturday until 8am the following day. In addition, the prohibition 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 and occasionally during special events. It applies to the Wellington Central Area, Oriental Bay and Mt Victoria 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 central area and Oriental Bay should primarily be restricted to private residences or licensed premises on Thursday, Friday and Saturday nights.

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 and Mt Victoria as shown on the attached map. This prohibition is effective from 5pm Thursday to 8am Friday, 5pm Friday to 8am Saturday, 5pm Saturday to 8am Sunday. The prohibition also 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

APPENDIX ONE

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.

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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 ONE

Wellington Liquor Control Area,

