
**PROPOSED AMENDMENTS TO THE LIQUOR CONTROL
BYLAW – CONSULTATION PROCESS**

1. Purpose of Report

To report on the special consultative procedure carried out for the proposed Liquor Control Bylaw, and for agreement that the proposed Liquor Control Bylaw be referred to Council for adoption.

2. Executive Summary

In February 2006, the Council agreed to consult on an amended Liquor Control Bylaw that would prohibit consumption and possession of liquor in public places in Wellington Central from 8pm Thursday night through to 8am Sunday morning. The proposal also included an amendment to the area covered by the bylaw, a permanent liquor ban on Christmas Eve and New Years Eve from 5pm through to 8am the following day and provision for liquor bans to put in place for specified events or periods in public places.

In addition, the proposal sought feedback on alternative options for the hours the ban could be applied on Thursday, Friday and Saturday nights and on whether people thought the ban should be extended to include Oriental Bay Beach.

The special consultative procedure has been undertaken for the amended Liquor Control Bylaw as required by the Local Government Act 2002. Fifty-three written submissions were received. The majority of submitters supported the proposed amendment to the bylaw and also supported the bylaw being extended to cover Oriental Bay Beach (28 and 30 respectively). The Strategy and Policy Committee heard 10 oral submissions on 20 April 2006 and one further oral submission on 11 May 2006.

The rationale for the proposed Liquor Control Bylaw and associated amendments is concerned with ensuring there is no gap in the measures aimed at managing alcohol related behaviour and to have a city where people feel safe and free from intimidation at all times.

Police say there is little evidence to support an extension of the bylaw to Oriental Bay Beach and have advised that if this location is included in the bylaw it would be enforced on a reactive rather than a pro-active basis.

The 2005 evaluation of the Liquor Control Bylaw found that people reported feeling safer knowing that a ban on public place drinking exists in the Central City on Friday and Saturday nights. It also showed that Thursday night was the third most problematic in respect of offending related to drinking in public places.

It is recommended that SPC agree to the draft bylaw attached as Appendix 1 and refer it to Council for adoption.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note that 53 written submissions on the Proposal to Amend the Wellington Consolidated Bylaw 1991 Part 23 (Liquor Control) were received during the special consultative procedure undertaken in accordance with section 156 of the Local Government Act 2002.*
3. *Note that a total of 11 oral submissions were heard by the Strategy and Policy Committee on the 20 April 2006 and the 11 May 2006.*
4. *Agree that the special consultative procedure has been completed pursuant to sections 83 and 86 of the Local Government Act 2002.*
5. *Agree that NZ Bill of Rights Act 1990 implications have been considered.*
6. *Agree to the Liquor Control Bylaw attached as Appendix 1 subject to any amendments arising from this meeting.*
7. *Recommend to Council that it:*
 - (a) *note that the Strategy and Policy Committee considered the draft bylaw and submissions, attached as Appendix 1 and 3 respectively, at the 24 May 2006 meeting.*
 - (b) *resolve to adopt the Liquor Control Bylaw attached as Appendix 1, pursuant to sections 83, 86, 147 and 156 of the Local Government Act 2002.*
 - (c) *resolve that the commencement date for the bylaw is 8pm 29 June 2006 allowing for at least fourteen days public notice, following the 31 May Council meeting.*

(d) resolve that the draft bylaw (attached as Appendix 1) 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, to come into effect at 8pm, 29 June 2006.

8. *Note that media releases, advertising and signage will be arranged to ensure that the public are aware of the bylaw coming into effect.*

4. Background

The Strategy and Policy Committee agreed to the proposed amendments to the Liquor Control Bylaw at their meeting in February 2006. On 22 February 2006, Council agreed to initiate the special consultative procedure required by the Local Government Act 2002 when making a bylaw. The consultation period opened on 2 March 2006 and closed on 6 April 2006.

4.1 Rationale for a Bylaw

The rationale for the proposed Liquor Control Bylaw and associated amendments is concerned with ensuring there is no gap in the measures aimed at managing alcohol related behaviour and to have a city where people feel safe and free from intimidation at all times. Wellington City Council has embraced the concept of Creative Wellington - Innovation Capital and its goals concerning quality of life, growth and prosperity. The city must be a safe, clean environment where people can live, work and enjoy themselves in a populated downtown without concern for their security.

There are already early intervention strategies of an educational nature, controls in place for drinking on licensed premises and a number of safety strategies that impact on alcohol related-behaviour. If disorder occurs there is a justice system response to that disorder. However there remain no other measures aimed at reducing the risk of alcohol abuse when drinking is occurring in public places. For example, licensed premises must have responsible host policies and are unable to supply alcohol to intoxicated people, those measures are intended as early intervention strategies aimed at preventing or minimising alcohol abuse. There are no similar measures for alcohol consumption in public places, therefore offending must occur before any action can be taken. Regardless of offending, people may feel less safe or intimidated when there is drinking in public places.

Police remain concerned about drinking in public places in central Wellington on Friday and Saturday nights and report that Thursday night is increasingly problematic due to a steady increase in the number/range of events and entertainment available in the city on these three key nights resulting in more people being attracted into the central area covered by the Bylaw. These observations are supported by the Council's own evaluation of the Bylaw completed in 2005. Police believe the Bylaw has helped keep a lid on offending and firmly believe that without the Bylaw in place levels of offending would have increased.

In addition, the evaluation of the current bylaw reported that people felt safer knowing that a ban on public place drinking exists in the central city on Friday and Saturday nights.

4.2 Key Elements of the Proposed Liquor Control Bylaw

The proposed bylaw prohibits consumption and possession of liquor in public places in central Wellington from 8pm Thursday night through to 8am Sunday morning, whereas the current bylaw provides for a ban at night time only on Friday and Saturday nights. The proposal also contains an amendment to the area covered by the bylaw, provides for a permanent liquor ban on Christmas Eve and New Years Eve from 5pm through to 8am the following day and allows for a prohibition on possession and consumption of liquor to be put in place for specified events or periods in public places.

The prohibition for special events across the city is to continue to address issues associated with public place drinking during major events like festivals and Guy Fawkes, which give rise to increased incidents of disorder and offending.

The bylaw would not apply to licensed premises or their outdoor areas. Generally transport of liquor, in unopened containers, across the restricted area is lawful where the liquor has been purchased from licensed premises or is intended for delivery to private premises by a resident or bona fide visitor and is being removed from the restricted area promptly.

4.3 Consultation Process

Consultation documents were prepared and posed two key questions Council sought feedback on. The first outlined three options for amending the bylaw and asked the public which of the options they preferred; it noted Council's preferred option. The second question asked the public if they thought that Oriental Bay Beach should be covered by the bylaw. Concern around this area related to a perception that noise, disorder and litter issues were alcohol-related.

A submission form, statement of proposal and summary of information were posted on the Wellington City Council website. A submission form and Summary of Information booklet was sent directly to 85 individuals and organisations, including all Resident's Associations in the Wellington district. That material was also made available to the public in Wellington City Council Service Centres and Libraries.

Public notices were placed in 'Our Wellington Page' in the Dominion Post. A public notice was included in the quarterly BCLS 'On the Town' publication and mailed out to 1100 food and beverage licensed premises. Press releases were provided to the Wellington media.

5. Discussion

5.1 Consultation Results

Fifty-three written submissions were received and eleven oral submissions were heard. A list of submitters and copies of the submissions are attached as Appendix Two and Appendix Three provides a synopsis of submitter's issues and officer's comments.

Generally there was support for the proposed bylaw. In summary:

- 28 preferred option A, extending the ban to Thursday 8pm through to Sunday 8am,
- 14 preferred option B, extending the ban each Thursday, Friday and Saturday night from 8pm to 8am the following morning,
- 4 preferred option C, extending the ban each Thursday, Friday and Saturday night from 5pm to 8am the following morning,
- 7 did not state a preference
- 30 agreed that Oriental Bay Beach should be covered by the Liquor Control Bylaw, 15 disagreed, 4 were unsure and 4 did not state a preference.

5.1.1 Key Issues Raised in Submissions – Support for Option A

Of the twenty eight submissions received in support of the preferred option, comments included:

- that amendment of the Bylaw to a continuous ban from Thursday night through to Sunday morning provided better clarity around days and hours where previously there had been considerable confusion
- that the ban improved safety in respect of noise, litter, offensiveness and drunken behaviour linked to consumption of liquor in public places
- that the ban positively contributed to residents and tourists perception of safety in the city
- that the ban allows for proactive management of disorder and offending linked to drinking in public places.

5.1.2 Key Issues Raised in Submissions - Opposition to the Preferred Option A

The following key issues (in italics) were raised by submitters in opposition to the bylaw and are followed by officer's comments.

- *There is no need for a ban in Wellington, existing legislation is sufficient*

Without a bylaw there is a gap in measures designed to address alcohol abuse which occurs in public places. Legislation addresses offending and the bylaw is intended as an early intervention mechanism.

- *the bylaw infringes on people's civil right to drink alcohol responsibly in public*

Legal advice has been sought and concluded that there is no unreasonable limitation on any rights established in the New Zealand Bill of Rights Act 1990. The proposed bylaw is consistent with the specific empowering provisions of the LGA 2002.

Rights such as freedom of expression, peaceful assembly and association are not specific to alcohol or reliant on alcohol. Therefore the rights are not impinged except to the extent that alcohol cannot be involved.

- *there is no empirical evidence to support the ban or an extension of the bylaw*

The evaluation of the Liquor Control Bylaw indicated a high level of awareness of the ban, strong support for the current ban and people reported feeling safer knowing that a ban was in place in the central city at night.

- *there should have been a status quo option*

The status quo is an option by default. If Council do not agree to the proposal the status quo will remain in place.

- *the bylaw fails to address broader social issues such as homelessness or alcohol abuse*

The bylaw is not intended to address broader social issues such as homelessness or alcohol abuse occurring on licensed premises. Council addresses those issues more appropriately through initiatives such as Project Margin, the Night Shelter and its role as the District Licensing Agency.

- *a daytime ban is not required.*

Police have said that around 10% of offences committed during the day on Fridays and Saturdays involve alcohol. They have also said that a daytime ban on Friday and Saturday, the most problematic of the three days/nights covered by the proposal, is preferable because it adequately covers the days and hours of concern and provides more consistency around when the ban applies. There is currently some public confusion about the detail of the current ban (when and at what times the ban applies). The proposed bylaw will help to address this issue.

5.1.3 Extension of the Bylaw to Include Oriental Bay Beach

Of the fifty three submissions received, thirty supported extending the ban area to include Oriental Bay Beach, fifteen opposed such an extension, four were unsure and four didn't indicate a preference. Submitters in favour of an extension felt there were significant issues with noise, racing cars, drinking and litter that had escalated since the re-development of Oriental Bay Beach and the cordoning off of Kent and Cambridge Terrace to 'boy racers'.

Police say there is little evidence to support extending the ban area to Oriental Bay Beach. In their oral submission, Police said that if the ban were extended, enforcement

would be reactive rather than pro-active given current policing priorities and resources. The problem area has, and continues to be identified as central Wellington.

It is proposed that the liquor ban area does not include Oriental Bay Beach.

5.1.4 Issues from Oral Submissions

The Strategy and Policy Committee heard oral submissions on 20 April 2006 from:

- Michael Bott (sub no. 47)
- Wayne Coffey (sub no. 18)
- Graham Hare (sub no. 45)
- Victor Davie (sub no.1)
- Richard Te One, Regional Public Health (sub no 42)
- M G Taylor (sub no 43)
- William Beauchamp (sub no.44)
- Paul Riley (sub no.7)
- Inspector Paul Berry, NZ Police (sub no.35)
- Kester Fordham, Walkwise (sub no.49)

And, from one further oral submitter on 11 May 2006:

- Nicki Stewart, Beer Wine and Spirits Council of New Zealand (sub no. 33)

In the main oral submissions reflect the content of the written submissions. Additional issues were raised by Mr Te One from Regional Public Health, Nicki Stewart – CEO of the Beer, Wines and Spirits Council of NZ and Mr Beauchamp a resident of the city.

Mr Te One in addition to his written submission, said that more people are drinking in public at times not currently covered by the bylaw, that after Thursday the next night likely to feature would be Wednesday nights as this was currently a popular night to attract students to licensed premises, that there is no other enforcement tool which enables regulatory agencies to target the misuse of alcohol in public and in this respect the bylaw allows for pro-active management by Police of our public spaces.

Officers advise that the issue of licensed premises targeting students on Wednesday nights is not an issue the bylaw can address. Police and the Council in its role as the District Licensing Agency have mechanisms in place to monitor and address cases where the targeting of students by licensed premises leads to alcohol-abuse and/or offending.

Nicki Stewart noted that recently the issue of intoxicated teenagers misbehaving on public transport en route to the central business district has attracted media attention, and that this may be indicative of displacement from the ban area.

The evaluation of the bylaw did not find any significant displacement effect. People drinking on trains coming into and out of the city pre-date the introduction of the bylaw. Transport providers have a range of mechanisms available to them to address issues of

safety. In the context of the recent publicity, Tranz Metro have been reported as saying it addresses the issue of intoxicated youth threatening public safety and damaging property by employing additional security guards to monitor carriages, improving lighting at various stations and working with Police to carry out searches to confiscate alcohol smuggled on to trains by teenagers. Tranz Metro report that this co-ordinated approach has actually led to a marked reduction in complaints about teenage disorder on trains during the past year.

Mr. Beauchamp was principally concerned about the erosion of places where those individuals who could not afford to drink in licensed establishments could congregate to consume alcohol and socialise. Mr Beauchamp felt that most of the anti-social behaviour came from a small minority and it was unfair to ruin the fun of people who drank alcohol in public responsibly.

5.1.5 Other Issues

Some submitters raised issues beyond the scope of the proposal. Four said a 24/7 ban should be considered because public place drinking is not confined to three days a week but is a problem at all times. Councillors considered a 24/7 ban in December 2005. The evaluation of the bylaw did not suggest that there was a need for a 24/7 ban and the Police say that problems associated with public place drinking do not warrant a 24/7 ban at this stage.

Ten submitters felt the bylaw area should be extended to include the Mount Victoria Lookout and car park area. One submitter requested Council consider applying the bylaw to the National War Memorial site on Buckle Street¹.

The inclusion of Mount Victoria as an area covered by the ban would not be consistent with the general rationale taken in applying the bylaw to the Central Area. This area attracted the ban to address a gap in the existing safety and licensing initiatives focused on managing actual levels of safety, people's perception of safety and alcohol abuse in a high risk location (the Central Area) which has a high concentration of licensed premises and entertainment facilities that serve to attract large numbers of people to the area.

Police again advised that should Councillors choose to amend the bylaw to include a fringe location such as Mount Victoria, it would be policed on a reactive basis as they have little evidence of significant alcohol related problems at the location.

There are a range of other mechanisms such as gating, speed humps that would better address the issues identified for this location.

¹ Officers received legal advice on Council's ability to consider the issues raised with respect to the Mount Victoria Lookout area and car park, and the National War Memorial site. This advice indicated that as the areas were not referred to in submission documents, Council would have to re-consult if they wished to include those areas in the ban area.

Legal advice specific to the National War Memorial site indicated that a bylaw over the grounds could not be enforced as it does not fall within the LGA definition of public place.

5.2 Adoption of the Liquor Control Bylaw

It is recommended that the liquor ban apply from 8pm Thursday night through to 8am Sunday morning in the central Wellington area depicted in the map attached to the bylaw. The bylaw also has provision for bans to be put in place for special events across the city and imposes a liquor ban for every Christmas Eve and New Year's Eve.

It is recommended that the Strategy and Policy Committee agree to the bylaw attached as Appendix 1, subject to any amendments, and refer it to Council for adoption. It is recommended that the bylaw comes into effect on 29 June 2006 allowing for at least fourteen days public notice following the Council meeting of 31st of May 2006. Media releases, advertising and signage will be arranged to ensure that the public are aware of the bylaw.

6. Conclusion

This paper reports on the special consultative procedure undertaken in respect of the proposed amendments to the Liquor Control Bylaw. It outlines the key issues raised in submissions and recommends that the bylaw attached as Appendix 1, subject to any amendments, is referred to Council for adoption.

Contact Officer: *Giselle Bareta, Senior Policy Evaluator*

Supporting Information

1) Strategic Fit / Strategic Outcome

This paper is consistent with Council's overall vision of Creative Wellington – Innovation Capital and contributes to Outcome 9 Safer

2) LTCCP/Annual Plan reference and long term financial impact

There are no financial implications. It is expected that costs associated with signage and publicity will be met from the operating budget.

3) Treaty of Waitangi considerations

The proposal was sent to manawhenua as part of the special consultative procedure.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

The special consultative procedure was adopted and carried out.

b) Consultation with Maori

The proposal was sent to manawhenua as part of the special consultative procedure. No submissions were received.

6) Legal Implications

The proposal incorporates advice received from the Council's legal advisors.

7) Consistency with existing policy

The draft Liquor Control Bylaw is consistent with existing policy.

WELLINGTON CONSOLIDATED BYLAW 1991

PART 23 – LIQUOR CONTROL

This part of the bylaw prohibits the consumption and possession of liquor in public places from 8pm each Thursday until 8am each Sunday. 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 as shown on the attached map. The bylaw includes a process to obtain prior Council written permission 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 alcohol in public places. By imposing this ban, the consumption of alcohol within the central area should primarily be restricted to private residences or licensed premises from Thursday night until Sunday morning.

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 as shown on the attached map. This prohibition is effective from 8pm each Thursday to 8am each 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

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.

Wellington Central Area



APPENDIX 2

Submission Number	Name	Company / Organisation
1	Victor Davie	Individual
2	Matt Dillion	Individual
3	Matthew Davidson	Individual
4	Julian Smith	Individual
5	Paul Bennett	Individual
6	John Follas	Truffle Imports Ltd
7	Andrew Renton-Green QSO Paul Riley	Ministry for Culture and Heritage
8	Denis Walker	Individual
9	Markus Lang	Individual
10	Murray Fisher	Individual
11	Michael Cashin	Individual
12	Sharon Power	Individual
13	Edward Sargisson	Individual
14	Josh Bondy	Individual
15	Michael Homer	Individual
16	Ian Pike	Individual
17	Leigh Emmerton	Individual
18	Wayne Coffey	Individual
19	Margaret Kelly	Individual
20	Matyas Mazzag	Individual
21	Warren Charlton	Individual
22	Michelle Dockrill	Individual
23	George Darroch	Individual
24	Stuart Doig	Individual
25	Mahesh Parag	Individual
26	Mark Leadbitter	Individual
27	Trevor Fitzon	Individual
28	Ron Baker	Tawa Progressive and Ratepayers Assn. Inc.
29	Dave Cody	Individual
30	Gary Bowering	Individual
31	Tom Beard	Individual
32	Jane Wright	Individual
33	Nicki Stewart	Beer Wine & Spirits Council
34	Shar Miles	Individual
35	Inspector Paul Anthony Berry	NZ Police - Wellington City
36	Ruth M Dunn	Individual
37	Douglas Braithwaite	Individual
38	Robin Boldarin	Miramar/Maupuia Progressive Assn
39	Louise Evans	New Zealand Retailers' Assn

40	Judith Fyfe	
41	Stephanie McIntyre	Downtown Community Ministry
42	Dr Stephen Palmer	Regional Public Health
43	Mr M G Taylor	Individual
44	Mr William Beauchamp	Tony Chestnut
45	Mr Graham Hare	Individual
46	Mrs Karuna Olatunji	Individual
47	Michael Bott	NZ Council for Civil Liberties
48	Shelley Jones	Individual
49	Henry Betham	Walkwise/Streetwise
50	Kirsten McLeod	Hospitality Association of New Zealand
51	Wendy Moore	Alcohol Advisory Council of New Zealand
52	Mr Gubbins	Individual
53	Ms Doyle	Individual

SUBMISSION ANALYSIS	<i>Received by Mail</i>	31
	<i>Online submission</i>	21
	<i>Direct email</i>	1
	<i>Total Received</i>	53
Q1. Options		
A		28
B		14
C		4
No pref stated		7
Total		53
Q.2 Oriental Bay		
Yes		30
No		15
Unsure		4
No pref stated		4
Total		53
Q.3 Other recurring Issues		
Mt Victoria		9
Twenty Four/Seven		7
<i>NB: One late submission received 26/4/2006</i>		

Appendix 3

Issues Raised	No. of Submitters who raised the issue and their option preference	Officer Comment
Sufficient legislation without Bylaw	Three submitters raised this issue. All three supported option B	The legislation comes into effect when an offence has occurred. The aim of the bylaw is to pre-empt offending. It is an early intervention tool.
No evidence of a problem at Oriental Bay Careful consideration before imposing a ban here	Three submitters raised these issues. Of those, one did not state a preference with respect to the options listed and two supported the preferred option A.	Police do not consider the area to be a hot spot for consumption of alcohol in public places leading to offending and would not proactively enforce it in that area. They advise that any issues they are called to can usually be dealt with by way of the disorderly behaviour provisions in the Crimes Act. However, the Council has received a number of noise related complaints for the area, 17 in the last twelve months (<i>note this tally excludes noise complaints about the beach grooming machine</i>)
The problems at Oriental Bay such as noise, rubbish, boy racers and disorder are linked to alcohol consumption in the area	Ten submitters raised this issue. Of those, five supported the preferred option A, three supported option B and two supported option C.	Little data to confirm this assumption or quantify the problem to the extent that a bylaw could be deemed an appropriate solution to the perceived problem.
We need a special ban at Oriental Bay to cover Guy Fawkes	One submitter raised this issue and supported the preferred option A	A special ban can be applied to the area if key stakeholders i.e. Police consider the nature of the event necessitates a restriction on public place drinking in this area.

Consumption of alcohol in public places adversely affects safety/tourism	Nine submitters raised this issue. Of those, One did not state a preferred option, one supported option B and seven supported the preferred option A	Agreed. Having a safe, attractive city for tourists to visit is important. How we deal with issues that influence the perception of safety in the city will impact upon the character and economy of the city.
The current Bylaw is confusing re: days & hours it applies	Two submitters raised this issue. Of those, one did not state a preference and the other supported the preferred option A	Agreed. Although there is a high level of awareness of the ban, there is confusion about the details of the ban i.e. when, where it applied and at what times.
The current Bylaw should be revoked Wellington does not need a Liquor Control Bylaw	Six submitters raised these issues. Of those, four supported option B and 2 indicated we do not need a ban	By not including this as an option in the statement of proposal, Council has signalled acceptance of the need for a Bylaw. It is the form that Bylaw takes which is up for amendment.
There should be a status quo option	Three submissions raised this point. All three submitters supported option B	The status quo is a default option if Council decides not to adopt the proposal.
We were promised Police guidelines on how the Bylaw would be enforced but have not seen any evidence of these	One submitter raised this issue and that submitter supported option B	Police training around the bylaw emphasises a warnings first enforcement policy.
Liquor Control Bylaw fails to address broader issues associated with homeless or alcohol abuse	Two submitters raised this issue. Of those, one felt we should not have a the bylaw and one supported the preferred option A	The Liquor Control Bylaw was not designed to address issues of vagrancy or homelessness, which Council is more appropriately dealing with through initiatives such as Project Margin and the night shelter.

The Liquor Control Bylaw provides for proactive management of the disorder and offending linked to drinking in public places	One submitter raised this issue and supported the preferred option A	Agreed.
Current Bylaw and proposal do not go far enough, we need a 24/7 ban	Seven submitters raised this issue. Of those, two supported option C, three supported the preferred option A and two did not state a preference	The Strategy and Policy Committee considered a 24/7 ban option in December 2005 and did not include that as an option in the Statement of Proposal.
The Bylaw area needs to be extended to include the National War Memorial	One submitter raised this issue and was in support of option A	<p>Any redefinition of the Bylaw area to include an area that did not form part of the proposal Council consulted on would require further consultation.</p> <p>That aside, the National War Memorial site is zoned 'Institutional Precinct' in the District Plan. It therefore does not constitute a public place as defined by section 147 of the LGA 2002. Accordingly, the Council has no legal jurisdiction over this area.</p>
The Bylaw area needs to be extended to include the Mount Victoria Lookout and car parking area	Nine submitters raised this issue. Of those four support option B and five support the preferred option A	The Council would need to re-consult on a proposal to include this area under the Liquor Control Bylaw as it was not a consideration outlined in submission documents.

<p>Police discretion enables the Bylaw to be used to target particular groups of people</p>	<p>Two submitters raised this issue and both support option B</p>	<p>The Police enforcement approach is that all people will be given reasonable opportunity to comply with a Police warning to dispose of the alcohol or leave the ban area before being arrested. Police enforcement statistics support that this has been the approach taken.</p>
<p>Infringes on people's right to drink responsibly in public</p> <p>The Bylaw impinges upon peoples civil rights</p>	<p>Two submitters raise this issue. Of those, one thinks we should not have a ban and the other supports option B</p>	<p>People are still able to drink responsibly in many public areas outside the ban area i.e. Botanical gardens, various parks and open spaces.</p> <p>Legal advice was sought on New Zealand Bill of Rights Act 1990 implications and concluded that there was no unreasonable limitation. Rights such as freedom of expression, peaceful assembly and association are not specific to alcohol or reliant on alcohol. Therefore the rights are not impinged except to the extent that alcohol cannot be involved.</p>
<p>No need for a daytime ban as significant problems at that time and a daytime ban unfairly restricts citizens who want to drink responsibly at picnics</p>	<p>Seven submitters raised this issue. Of those, one supports option C, five support option B and one supports the preferred option A</p>	<p>Although there are not as many problems associated with consumption of alcohol in public places during the daytime as there are at night, Police advise that roughly 10% of arrests during the day on either a Thurs, Fri & Sat involve alcohol consumption. There is confusion around awareness of the days and duration of the ban.</p>

<p>Evaluation does not support any change to existing Bylaw</p>	<p>Four submitters raise this issue and all support option B</p>	<p>The evaluation said that there was no empirical data to indicate a reduction in offending. It also reported that Thursday nights have become increasingly problematic in respect of offending linked to public place drinking. It reported a high level of awareness and support for the Liquor Control Bylaw.</p>
<p>We need the Bylaw to help address issues with vagrants/homeless people drinking and becoming disorderly in public</p>	<p>Five submitters raise this issue. Of those, one supports option B, one supports option C, two support the preferred option A and one does not state a preference</p>	<p>The Bylaw is not designed to target any particular group i.e. youth or vagrants.</p>