

Submission to the Wellington City Council on the Proposal to amend the Liquor Control Bylaw

This submission is from the Tawa Community Board (TCB)

Introduction

The Wellington City Council (WCC) is proposing to prohibit the possession and consumption of alcohol in public spaces, at all times.

WCC states that:

- requests have been made for a liquor ban, from Tawa and other suburbs, to curb antisocial behaviour and alcohol related harm.

The TCB has not had an opportunity to engage with the Tawa community to assess their views or to determine if they have made requests for the liquor ban as the time frame for making submissions is too short.

- assaults related to the consumption of alcohol have occurred in Wellington City and that 12 of these occurred in Tawa.

It is difficult to accurately determine the actual relationship between the assaults and the consumption of alcohol in a public place and that the use of these types of statistics should only be used to provide an overview only.

- people 'feel safe' when entering an area that has an alcohol ban (e.g. central city on Friday and Saturday nights).

WCC information has shown that, despite a central city ban, a drop in offending or drinking in public places has not occurred. It is accepted that this is due in part to the claim that Police have taken a relatively light handed approach to enforcement of the by-law

- residents can seek an exemption to have a 'picnic in the park'.

Council have not indicated a fee or how long it will take to process an application. WCC needs to disclose this information.

Appendix 4

There is no anecdotal evidence that Tawa, having voted for the sale of alcohol, has had an increase in the consumption of alcohol in a public place.

Anecdotal evidence points to the problem of alcohol consumption in a public place by younger people purchasing, or being supplied with, alcohol and consuming it away from the control of family and friends.

The TCB accepts that there are incidents of alcohol consumption in public places and accepts that there are times when that consumption has led to violence, vandalism and general unsociable behaviour.

The TCB acknowledges the need to regulate the drinking of alcohol in some public places. However, this should be done on an area by area basis as part of a comprehensive alcohol policy developed by local government in collaboration with the community.

It is important that any local government policy surrounding alcohol targets the wider impact of alcohol use and misuse on the community and the issues that lead to misuse in addition to targeting problematic public drinking within a regulatory framework.

For many years the Wellington city council has built a reputation as the cultural and arts centre of New Zealand. Part of that culture is the enjoyment of food and wine, not only in restaurants, but also at its beaches and parks.

The TCB does not support a city wide ban on the possession and consumption of alcohol.

Bylaws and Enforcement

Law should be clearly written, have clear expectations of conformity and have clear punishment for failure to comply. By putting the onus on the Police to make judgment calls is unacceptable.

A bylaw which destroys or unnecessarily abridges or interferes with our rights without producing a corresponding benefit to the community of Tawa could be deemed as unnecessary.

WCC should have a similar bylaw to Porirua City and make it an offence to consume alcohol in certain areas within certain hours.

Consumption of Liquor

The TCB believes that there are two options:

1. The city wide ban proposed by WCC, but amended to there being no consumption of alcohol in a public place if that place is a residential area, business area or within recreational areas unless that recreational area is specifically mentioned.

Recreational areas such as Willowbank Park, where families congregate for family picnics and consume a limited amount of alcohol, should be listed as places approved for considerate consumption of alcohol, but only within prescribed and limited hours.

2. WCC legislating specific areas where there is a demonstrable problem with the consumption of alcohol in a public place.

This is the option supported by the TCB.

Appendix 4

Possession of Liquor

WCC needs to rethink what they consider is possession, or at least the basis of their proposed wording.

The proposal is that everyone commits an offence who **possesses any liquor in a public place**.

Technically the proposed bylaw would make it an offence to carry alcohol between the liquor outlet and a vehicle or building and while we accept that this is not the intent of the law, the proposed bylaw as written could have this outcome.

The new bylaw must be written so that will not prevent people from carrying unopened liquor.

The Big Picture

We understand that the New Zealand Government is working on others areas of this debate.

Irrespective of the option decided by WCC, WCC and/or Local Government NZ needs to work with Central Government to reintroduce legislation that makes offensive behaviour, or being drunk in a public place an offence punishable under the Summary Offences Act or other Act.