



WESTLAND DISTRICT ALCOHOL CONTROL BYLAW 2018

Explanatory Note

The Local Government Act 2002 gives Council the power to control the consumption and possession of alcohol in public places. The Council can use this power generally, to create on-going alcohol bans in public places, or to ban alcohol for one-off special events or occasions in public places.

The aim of this bylaw is to control the consumption of alcohol in those public places where Council is concerned that the possession of alcohol in the public place, whether generally or over a specified period may result in disorderly behaviour and criminal offending.

This bylaw is based on an earlier Liquor Bans Bylaw 2007 that was reviewed in 2012 pursuant to the provisions of section 158 of the Local Government Act 2002. The review resulted in the consolidation of provisions relating to various alcohol control resolutions and other minor amendments. Based on the requirements of Section 11 of the Local Government (Alcohol Reform) Amendment Act 2012, the Liquor Bans Bylaw would expire on 18 December 2018 unless earlier revoked. It has been used as the basis for this new Alcohol Control Bylaw.

Pursuant to the powers vested in it by the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Westland District Alcohol Control Bylaw 2018.
- 1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

2. INTERPRETATION

- 2.1 This Bylaw unless the context otherwise requires:

“Act” means the Local Government Act 2002.

“Council” means the Westland District Council.

“licensed premises” has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

“alcohol” has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

“alcohol control resolution” means a resolution of the Council pursuant to clause 4.1.

“offence” means an offence under section 239A of the Local Government Act 2002 that is a breach of a bylaw prohibiting-

- (a) the consumption or possession or both of alcohol in, or the bringing of alcohol into, a public place; or
- (b) in conjunction with a prohibition relating to alcohol, the presence or use of a vehicle in a public place.

“public place”:

- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises

“special licence” means a licence granted under Part 2, Subpart 4 of the Sale and Supply of Alcohol Act 2012.

“specified period” means the period or periods specified in:

- (a) the Schedule (as varied by any subsequent alcohol control resolution); or
- (b) a alcohol control resolution, during which the consumption, bringing or possession of alcohol is prohibited in a specified place and publicly notified in accordance with clause 4 of this bylaw.

“specified place” means a public place specified in:

- (a) the Schedule (as varied by any subsequent alcohol control resolution); or
- (b) a alcohol control resolution, at which the consumption, bringing or possession of alcohol is prohibited during a specified period and publicly notified in accordance with clause 4 of this bylaw.

3. ALCOHOL PROHIBITION REGULATION AND CONTROL

3.1 No person shall:

- (a) bring alcohol to a specified place, during the specified period or specified periods relating to that specified place; or
- (b) consume or possess alcohol at a specified place, during the specified period or specified periods relating to that specified place.

3.2 Every person shall comply with the terms of a alcohol control resolution prohibiting, regulating or otherwise controlling:

- (a) the consumption of alcohol in a public place; or
- (b) the bringing of alcohol into a public place; or
- (c) the possession of alcohol in a public place; or
- (d) in conjunction with a prohibition relating to alcohol under paragraphs (a) to (c) of this clause 3.2, the presence or use of a vehicle in a public place.

4. ALCOHOL CONTROL RESOLUTION

4.1 The Council may from time to time make a resolution:

- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
 - (i) the consumption of alcohol in a public place; or
 - (ii) the bringing of alcohol into a public place; or
 - (iii) the possession of alcohol in a public place; or
 - (iv) in conjunction with a prohibition relating to alcohol under paragraphs (i) to (iii), the presence or use of a vehicle in a public place; or
- (b) varying existing specified places; or

(c) varying existing specified periods.

4.2 Every resolution made pursuant to this clause shall be publicly notified at least 14 days before it shall take effect.

5. EXCLUSIONS

5.1 Notwithstanding any other provision in this Bylaw, in the case of alcohol in an unopened bottle or other unopened container, this Bylaw does not prohibit, regulate or control and no alcohol control resolution made pursuant to this Bylaw shall have the effect of prohibiting, regulating or controlling the transport of that alcohol:

- (a) from outside a public place for delivery to licensed premises next to the public place; or
- (b) from licensed premises next to a public place, provided the alcohol was lawfully bought on those premises for consumption off those premises, and is promptly removed from the public place; or
- (c) from outside a public place to premises next to a public place by, or for delivery to, a resident of those premises or his or her bona fide visitors; or
- (d) from premises next to a public place to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

6. POWERS OF ARREST, SEARCH AND SEIZURE

6.1 This Bylaw authorises a member of the police to exercise the power of search, seizure and arrest under section 169(2) and section 170(2) of the Act.

7. PENALTY

Any person who commits a breach of this bylaw is liable to a fine of \$250.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the [Xth day] of [MONTH YEAR] and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the [Xth day] of [MONTH YEAR].

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL
was affixed in the presence of:

Mayor

Chief Executive

SCHEDULE

1. Subject to the exceptions listed in Clause 5 (above), the specified places and specified periods relating to those specified places are:


Place	Period
<p>All that area consisting of public places, including legal roads and public reserves, more particularly described as bounded by the following:</p> <p>(1) Commencing at a point on the Mean High Water Mark at Sunset Point, then in a northerly direction along the Mean High Water Mark to a point in line with the northern boundary of RS 6659 (Walker Park) then south-easterly to a point that meets with a line which is the extension of the east side of Brittan Street, then south-westerly along that line and along the eastern side of Brittan Street to the true right bank of the Hokitika River thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark to the point of commencement, as delineated and shown on the attached map marked "A".</p> <p>(2) All that area of public reserve described as RES 495 (Cass Square) and shown on the attached map marked "A".</p> <p>(3) Commencing at a point on the Mean High Water Mark in line with the north side of Richards Drive, then in a south-easterly direction along the north side of Richards Drive and its continuation across Fitzherbert Street to the western boundary of the Hokitika Cemetery, then south-westerly then south-easterly along the boundary of the Hokitika Cemetery to the western boundary of the Hokitika Airport, thence generally south-westerly and south-easterly along the boundary of the Hokitika Airport to the northern boundary of the Hokitika Racecourse, then south-westerly, north-</p>	<p>From 8.00 pm on any day till 6.00am the following day.</p> <p>24 hours each day on every day of the week.</p> <p>From 6.00 pm on the Friday before the Hokitika Wildfoods Festival till 8.00 am on the Sunday thereafter.</p>

westerly, south-westerly and south-easterly generally along the boundary of the Hokitika Racecourse to a point in line with the eastern side of Town Belt East, thence south-westerly along the eastern side of Town Belt east and its continuation to the true right bank of the Hokitika River, thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark, thence northerly generally along the Mean High Water Mark to the point of commencement as delineated and shown on the attached map marked "B".	
---	--

2. The specified places do not include:



- (a) any public place which is also a licensed premises or part of a licensed premises during any period in which the licensee is serving or allowing consumption of alcohol on those licensed premises; and
- (b) any public place or part of a public place during any period in which that public place or part of a public place is the subject of a special licence granted pursuant to the provisions of the Sale and Supply of Alcohol Act 2012; and
- (c) the controlled campground areas of Sunset Point and Wadeson Island, as shown in the attached map marked "C", from 6pm on the Friday before the Hokitika Wildfoods Festival until 8am on the Sunday thereafter (note: any of those two areas not hosting a controlled campground area will still be subject to the alcohol ban).

The Map Referred to in the Schedule as Map "A"

 Liquor Ban Area



**The Map
Referred to in
the Schedule
as Map "B"**

- Legend**
-  Alcohol Ban Area
 -  Public Parks and Reserves





**The Map
Referred to in
the Schedule
as Map "C"**

Legend
 Controlled Campgrounds