

## **Explanatory Note**

The Local Government Act 2002 gives Council the power to control the consumption and possession of liquor in public places. The Council can use this power generally, to create on-going liquor bans in public places, or to ban liquor 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 liquor in the public place, whether generally or over a specified period may result in disorderly behaviour and criminal offending.

This bylaw was reviewed in 2012 pursuant to the provisions of section 158 of the Local Government Act 2004. The review resulted in the consolidation of provisions relating to various liquor control resolutions and other minor amendments.

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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 Liquor Bans Bylaw 2007.
- 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” means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

“liquor” has the meaning given to it by the Sale of Liquor Act 1989.

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

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

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

“public place”:

- (a) means a place:
  - (i) that is under the control of the Council; and
  - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes:
  - (i) a road, whether or not the road is under the control of the Council; and
  - (ii) any part of a public place.

“special licence” means a licence granted under part 4 of the Sale of Liquor Act 1989.

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

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

### **3. LIQUOR PROHIBITION REGULATION AND CONTROL**

- 3.1 No person shall:
- (a) bring liquor to a specified place, during the specified period or specified periods relating to that specified place; or
  - (b) consume or possess liquor 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 liquor control resolution prohibiting, regulating or otherwise controlling:
- (a) the consumption of liquor in a public place; or
  - (b) the bringing of liquor into a public place; or
  - (c) the possession of liquor in a public place; or
  - (d) in conjunction with a prohibition relating to liquor under paragraphs (a) to (c) of this clause 3.2, the presence or use of a vehicle in a public place.

### **4. LIQUOR 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 liquor in a public place; or
    - (ii) the bringing of liquor into a public place; or
    - (iii) the possession of liquor in a public place; or
    - (iv) in conjunction with a prohibition relating to liquor 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 liquor in an unopened bottle or other unopened container, this Bylaw does not prohibit and no liquor control resolution made pursuant to this Bylaw shall have the effect of prohibiting the transport of that liquor:

- (a) from outside a public place for delivery to, or consumption on, licensed premises that adjoin the public place; or
- (b) from licensed premises that adjoin a public place, provided the liquor is promptly removed from the public place; or
- (c) from outside a public place to premises that adjoin a public place by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
- (d) from premises that adjoin a public place to a place outside the public place by a resident of those premises, provided the liquor 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 under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act.

## **7. PENALTY**

Any person who commits a breach of this bylaw is on conviction liable to a fine not exceeding \$20,000.00.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the 25<sup>th</sup> day of October 2007 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 13<sup>th</sup> day of December, 2007.

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

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Mayor

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Chief Executive

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on the twenty-eighth day of February 2013.**

## SCHEDULE

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

<b>Place</b>	<b>Period</b>
<p>All that area consisting of the public places administered by the Westland District Council, 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</p>	<p>From 8.00 pm on any day till 6.00am the following day.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>

<p>boundary of the Hokitika Airport to the northern boundary of the Hokitika Racecourse, then south-westerly, north-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".</p>	
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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 liquor 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 of Liquor Act 1989.

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

 Liquor Ban Area



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

