



# **ALCOHOL CONTROL BYLAW 2024**

This Bylaw is made under the Local Government Act 2002.

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<b>First adopted:</b>	2008
<b>Revision History</b>	Waipā District Council Public Places Alcohol Control Bylaw 2015 amended the Public Places Liquor Control Bylaw 2008. This bylaw revokes and replaces the Waipa District Council Public Places Alcohol Control Bylaw 2015.
<b>Next review date:</b>	26 November 2034
<b>Engagement required:</b>	Section 83 Local Government Act 2002
<b>Document number:</b>	11154935
<b>Associated documents:</b>	Local Alcohol Policy (ECM 5980595)
<b>Policy Owner:</b>	Environmental Health

## PART 1 - Preliminary Provisions

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### 1. Title, Commencement and Application

- 1.1. This Bylaw is the Waipa District Council Alcohol Control Bylaw 2024.
- 1.2. This Bylaw comes into force on 16 December 2024.
- 1.3. The Waipa District Council Public Places Alcohol Control Bylaw 2015 is revoked and replaced by this Bylaw.
- 1.4. This Bylaw applies to specified public places in the district of Waipa District Council.

### 2. Purpose of the Bylaw

- 2.1. The purpose of this Bylaw is to reduce or prevent alcohol-related crime or disorder in public places by prohibiting, regulating and controlling:
  - a) the consumption of alcohol in specified public places;
  - b) the bringing of alcohol into specified public places; and
  - c) the possession of alcohol in specified public places.

### 3. Interpretation

- 3.1. In this Bylaw, unless the context otherwise requires:

Term	Definition
<b>Act</b>	means the Local Government Act 2002.
<b>Alcohol</b>	has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
<b>Approved or approval</b>	means a written approval, permit or consent provided by Council, including any authorised officer of Council.
<b>Cemetery</b>	means any public place held, set apart, dedicated, or reserved, under the provisions of any statute, exclusively for the burial of the dead, and includes a closed cemetery, as that term is defined in the Burial and Cremation Act 1964.
<b>Council</b>	means Waipa District Council.
<b>Event</b>	means any occasion and gathering, and any series of events. These can include but are not limited to a meeting, parade, concert, fair, celebration, festival, function, sporting or cultural event, commemoration, or other similar occasion, or a series of such occasions.

<b>Term</b>	<b>Definition</b>
<b>Licensed premises</b>	has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
<b>Motor vehicle</b>	has the meaning given by section 4 of the Freedom Camping Act 2011.
<b>Permanent alcohol ban area</b>	has the meaning specified in clauses 5.1, 5.2 and 5.3 of this Bylaw.
<b>Playground</b>	means a public place with equipment and other facilities principally designed for children’s play that is: <ul style="list-style-type: none"> <li>a) a fenced outdoor area; or</li> <li>b) within 5 metres of any equipment or facilities in an outdoor area.</li> </ul>
<b>Public place</b>	has the meaning given by section 147 of the Local Government Act 2002: <ul style="list-style-type: none"> <li>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</li> <li>b) does not include licensed premises.</li> </ul>
<b>Self-contained</b>	has the meaning given by section 4 of the Freedom Camping Act 2011.
<b>Skatepark</b>	means an outdoor public place having structures and surfaces principally designed for the purpose of roller-skating and skateboarding.
<b>Summer hours</b>	means 2 am on the last Sunday in September each year until 2 am on the first Sunday in April of the following year.
<b>Temporary alcohol ban area</b>	means an area in a public place as specified by Council resolution under clause 6.1 of the Bylaw during the relevant temporary period.
<b>Temporary period</b>	means such times, days and dates, whether reoccurring or not, as specified by resolution under clause 6.1 of this Bylaw, and may include the period of any Event specified in the resolution, whether reoccurring or not.
<b>Vehicle</b>	has the same meaning given by section 2(1) of the Land Transport Act 1998.
<b>Winter hours</b>	means from 2 am on the first Sunday in April in each year until 2 am on the last Sunday in September of that year.

3.2. To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable enactments.

- 3.3. Unless the context requires another meaning, a term of expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.
- 3.4. Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 3.5. To avoid doubt, the Legislation Act 2019 applies to this Bylaw.
- 3.6. To avoid doubt, reference to “include” and “including” in this Bylaw means without limitation.

#### **4. Exclusions**

- 4.1. This Bylaw does not prohibit, regulate or control, in the case of alcohol in an unopened container:
  - a) the transport of the alcohol from licensed premises next to a public place, if—
    - i) it was lawfully bought on those premises for consumption off those premises; and
    - ii) it is promptly removed from the public place; or
  - b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
  - c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
  - d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
    - i) the transport is undertaken by a resident of those premises; and
    - ii) the alcohol is promptly removed from the public place; or
  - e) the transport of alcohol from outside a public place to a building next to the public place if—
    - i) it was lawfully transported to that building for lawful consumption within the building; and
    - ii) it is promptly removed from the public place.
- 4.2. This Bylaw does not prohibit, regulate or control the transport, consumption or possession of alcohol within a self-contained motor vehicle.
- 4.3. To avoid doubt, this Bylaw does not apply within the following buildings:
  - a) the Cambridge Town Hall, Victoria Street, Cambridge;
  - b) the Council office building at 23 Wilson Street, Cambridge;
  - c) the Te Awamutu Events Centre, Selwyn Lane, Te Awamutu;
  - d) the Te Awamutu Library and Community Room, Selwyn Lane, Te Awamutu;

- e) the Council office building at 101 Bank Street, Te Awamutu.

**Guidance Note:**

Clause 4.1(a)-(d) replicates section 147(4) of the Local Government Act 2002.

Clause 4.3 makes clear that the Bylaw does not apply inside specified Council-owned buildings.

The prohibitions in this Bylaw only apply to specified public places. This excludes premises which hold a current alcohol licence issued under the Sale and Supply of Alcohol Act 2012, including special licences issued under that Act.

## **PART 2 - Control of Alcohol**

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### **5. Permanent alcohol ban areas**

- 5.1. The following areas are permanent alcohol ban areas at all times:
- a) a public place within the areas identified in Schedule 1 to this Bylaw; and
  - b) all skateparks.
- 5.2. The following areas are permanent alcohol ban areas only between the hours of 8 pm and 8 am:
- a) any playground; and
  - b) any cemetery.
- 5.3. The areas identified in Schedule 2 to this Bylaw are permanent alcohol ban areas:
- a) between the hours of 8 pm and 8 am during winter hours; and
  - b) between the hours of 9 pm and 8 am during summer hours.

### **6. Temporary alcohol ban areas**

- 6.1. Council may, by resolution, prohibit for a temporary period any or all of the following:
- a) the consumption of alcohol in an area in a public place;
  - b) the bringing of alcohol in an area in a public place;
  - c) the possession of alcohol in an area in a public place.
- 6.2. The Council may, by resolution, amend or revoke a resolution made under clause 6.1 at any time.
- 6.3. Council must give public notice of any resolution made under clause 6.1 or clause 6.2 providing for a temporary alcohol ban area at least 14 days before the temporary alcohol ban area comes into effect.

**Guidance Note:**

A resolution under clause 6.1 is subject to the requirements of section 147B of the Local Government Act 2002. This requires that before a resolution is made under this Bylaw, Council must be satisfied that:

- a) there is evidence that the area to which the bylaw applies (or will apply by virtue of the resolution) has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
- b) the bylaw, as applied by the resolution:
  - i) is appropriate and proportionate in the light of the evidence; and
  - ii) can be justified as a reasonable limitation on people's rights and freedoms.

Where possible, the Council's public notice and/or information on its website following a resolution under this clause will include a map of the temporary alcohol ban area.

## 7. Prohibitions

7.1. No person may, without Council approval:

- a) consume any alcohol in a permanent alcohol ban area or temporary alcohol ban area;
- b) bring any alcohol into a permanent alcohol ban area or temporary alcohol ban area; or
- c) possess any alcohol in a permanent alcohol ban area or temporary alcohol ban area.

7.2. The restrictions in clauses 7.1 apply to any person, whether or not they are in a vehicle.

**Guidance Note:**

Where it is practicable or reasonable to do so, Council will erect signage within permanent alcohol ban areas and temporary alcohol ban areas to provide information to the public about the restrictions. To avoid doubt, the absence of signage does not authorise a breach of this Bylaw. The requirement for signage is subject to any regulations made under section 147C of the Local Government Act 2002.

## PART 3 - Approvals, Enforcement and Transitional Provisions

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### 8. Council Approval

8.1. Any person wishing to obtain Council approval for the purposes of this Bylaw must make a written application to Council using any specified form, accompanied by the relevant fee.

**Guidance Note:**

Contact Council at [info@waipadc.govt.nz](mailto:info@waipadc.govt.nz) for information on relevant forms. Council's current fees and charges are specified in Council's website.

- 8.2. On receipt of an application made under clause 8.1, Council may grant the approval, refuse the approval, or request further information.
- 8.3. Any approval granted under clause 8.2 may be subject to any reasonable conditions imposed by Council.
- 8.4. A person granted an approval with conditions imposed under clause 8.3 must comply with those conditions.
- 8.5. Council may revoke, modify or cancel any Council approval granted under this Bylaw if:
  - a) any conditions of the approval are not complied with;
  - b) there is a material change in circumstances which requires the Approval, or any conditions imposed on an approval, to be revoked or modified; or
  - c) the information provided to Council in support of the approval application is found to be incorrect or misleading.
- 8.6. Council must give the approval holder written notice of its intention to revoke, modify or cancel any Council approval or conditions under clause 8.5, which is to include a description of why the revocation or modification is necessary.
- 8.7. After receipt of a notice issued under clause 8.6, and if an approval holder disputes the need for revocation or modification, the approval holder may submit any relevant information to Council within 5 working days, after which the Council will make a final decision.

## **9. Police powers of search in temporary alcohol ban areas**

- 9.1. This clause authorises members 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, in relation to any area which has been declared a temporary alcohol ban area by resolution of the Council under clause 6.
- 9.2. Subject to clause 9.3 below, the powers of search can be exercised by the Police immediately and without further notice.
- 9.3. Clause 9.1 only applies if the resolution declaring a temporary alcohol ban provides that clause 9.1 of this bylaw will apply.

### **Guidance Note:**

Council must give public notice pursuant to section 170(3) of the Act before the Police may exercise their powers of search under this clause in relation to a temporary alcohol ban area resolution.

The powers of search given to the Police in section 169 of the Act also apply to the prohibitions in clause 7 of this Bylaw.



## 10. Offence

- 10.1. Any person who breaches this Bylaw commits an offence.

### **Guidance Note:**

Any person who breaches this Bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

Under the Local Government (Alcohol Ban Breaches) Regulations 2013, an infringement fee of \$250 is payable for a breach of this Bylaw.

Sections 169 and 170 of the Local Government Act 2002 provide the Police with a range of enforcement powers relating to breaches of this Bylaw. This includes the powers of search, seizure and arrest.

## 11. Transitional Provisions

- 11.1. Any approval which originated under or was continued by Waipa District Council Public Places Alcohol Control Bylaw 2015 revoked in clause 1.3 that is continuing at the commencement of this Bylaw, continues to have full force and effect as if it was an approval granted under this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.
- 11.2. Any resolution made for a temporary alcohol ban which originated under or was continued by Waipa District Council Public Places Alcohol Control Bylaw 2015 revoked in clause 1.3 that is continuing at the commencement of this Bylaw, continues to have full force and effect as if it was a resolution for a temporary alcohol ban area made for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.
- 11.3. The revocation of the Waipa District Council Public Places Alcohol Control Bylaw 2015 under clause 1.3 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.
- 11.4. Any application for an approval made under the Waipa District Council Public Places Alcohol Control Bylaw 2015 revoked under clause 1.3 for which an approval has not been granted at the time of this Bylaw coming into force, is deemed to be an application made under clause 8.1.

This Bylaw was made by the **WAIPA DISTRICT COUNCIL**, having used the special consultative procedure under the Local Government Act 2002, at a meeting of Council held on 26 November 2024.

The Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 26 November 2024.



# SCHEDULE 1 – PERMANENT ALCOHOL BAN AREAS – AT ALL TIMES





# Alcohol Control Bylaw Map

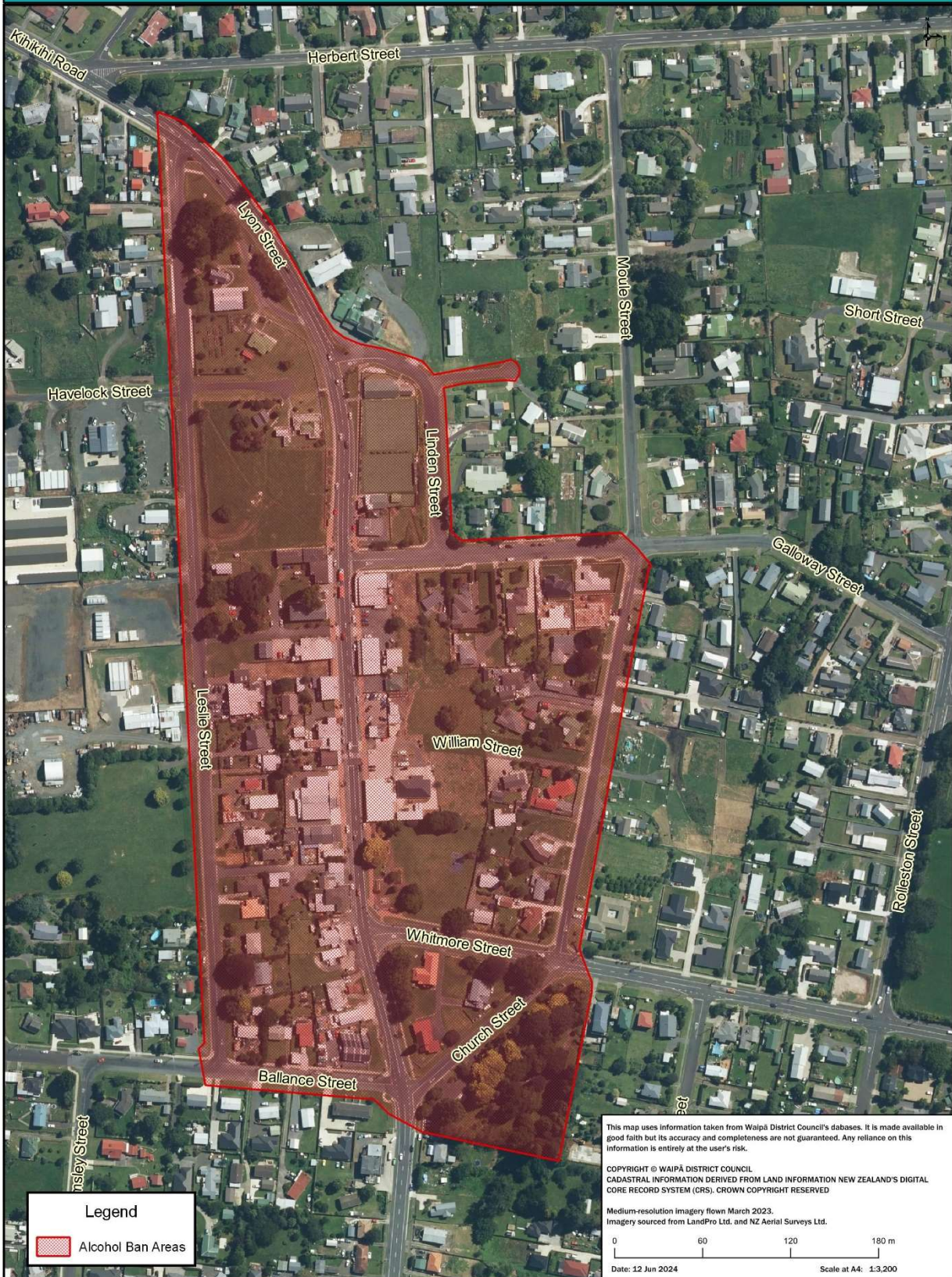
## Alcohol Ban Areas Leamington





# Alcohol Control Bylaw Map

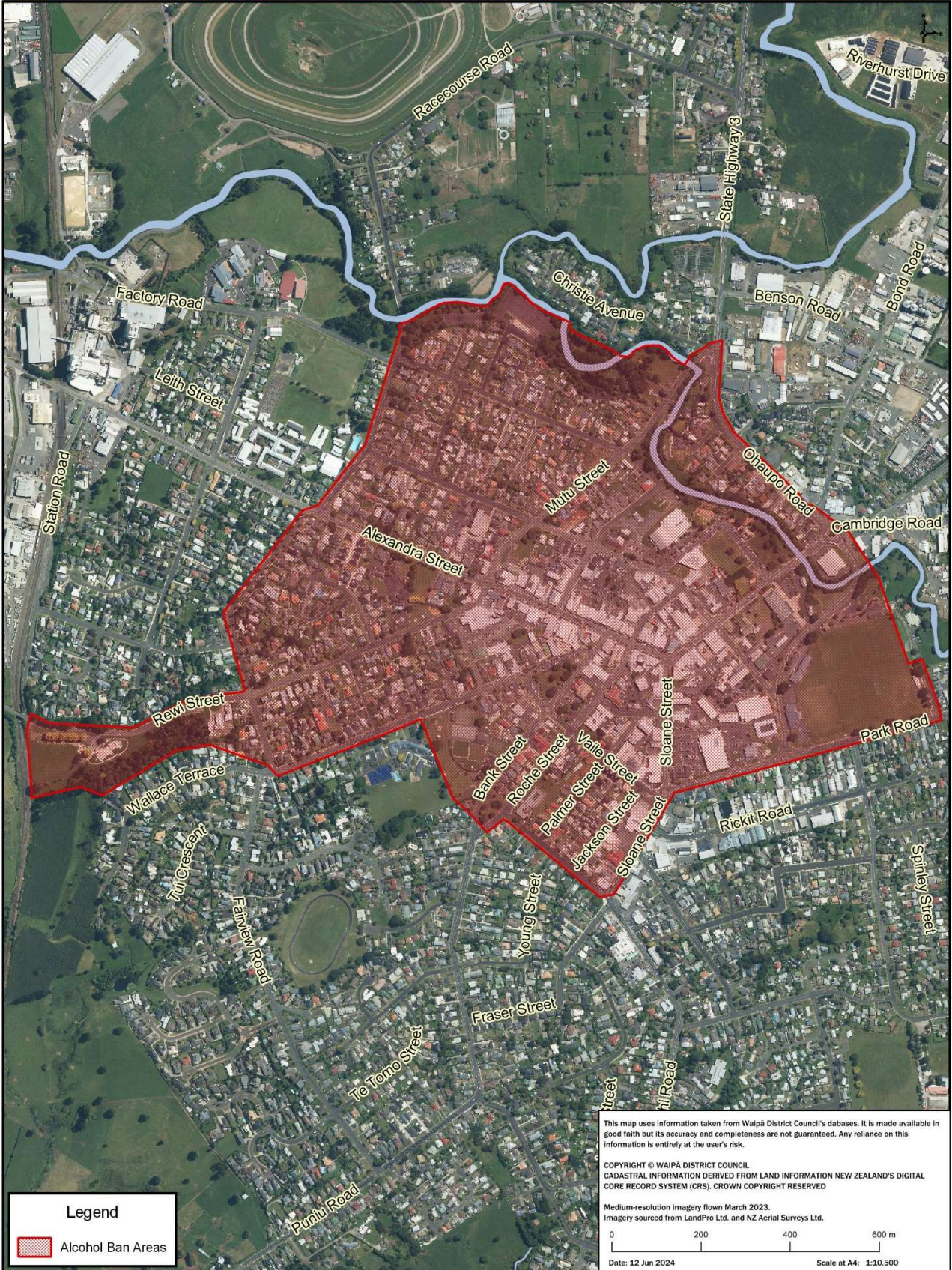
## Alcohol Ban Areas Kihikihi





# Alcohol Control Bylaw Map

## Alcohol Ban Areas Te Awamutu





**SCHEDULE 2 – PERMANENT ALCOHOL BAN AREAS – ONLY BETWEEN THE HOURS OF 8:00PM AND 8:00AM (WINTER HOURS) AND 9:00PM AND 8:00AM (SUMMER HOURS)**

