



Public Places Alcohol Control Bylaw

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This bylaw is made by the Waipa District Council under the powers given to it by the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012 and their respective amendments.

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First adopted:	2008
Revision dates/version:	2015. This bylaw amends the Waipa District Council Public Places Liquor Control Bylaw 2008.
Next review date:	2025
Engagement required:	S83 Local Government Act 2002
Document number:	15060264
Associated documents:	Local Alcohol Policy
Policy Owner:	Environmental Services

1. Purpose and Scope

- 1.1.1. This Bylaw shall be cited and referred to as the "Waipa District Council Public Places Alcohol Control Bylaw 2015".
- 1.1.2. This Bylaw shall apply within the boundaries of the Waipa District. The provisions shall apply to the areas as detailed in Schedule 1.
- 1.1.3. The purpose of this bylaw is to prohibit or control the consumption of, bringing into and possession of alcohol in restricted places and also to:
- (a) Protect the public from nuisance in public places;
 - (b) Protect, promote and maintain public health and safety in public places; and
 - (c) Minimise the potential for offensive behaviour in public places.
- 1.1.4. This Bylaw is in addition to the following:
- (a) The Sale and Supply of Alcohol Act 2012
 - (b) Local Government Act 2002
 - (c) Operative Waipa District Plan
 - (d) Proposed Waipa District Plan

2. Definitions

- 2.1.1. For the purposes of this Bylaw the following definitions shall apply:

Term	Definition
Event	as defined in section 5 of the Sale and Supply of Alcohol Act 2012, includes an occasion and a gathering, and any of a series of events.
Alcohol	as defined in section 5 of the Sale and Supply of Alcohol Act 2012, means a substance: <ul style="list-style-type: none">(a) that—<ul style="list-style-type: none">(i) is or contains a fermented, distilled, or spirituous liquor; and(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or(b) that—<ul style="list-style-type: none">(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

Term	Definition
	(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
Licensed premises	means a premises holding a current alcohol licence, including a special licence, pursuant to the Sale and Supply of Alcohol Act 2012.
Public place	as defined in section 147 of the Local Government Act 2002: (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. For the avoidance of doubt this definition includes roads, service lanes, footpaths, pedestrian malls, public car parks, parks and reserves.
Restricted place	means a place specified in this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply at any specified time, day or event. It does not include any part of a public place for which a alcohol licence has been issued under the Sale and Supply of Alcohol Act 2012.
Territorial authority	means the Waipa District Council, and “Council” has the same meaning.

3. Control of Alcohol

3.1. Permanent alcohol bans in restricted places

3.1.1 Subject to part 6 of this bylaw, the following actions are prohibited at all times in any place within the areas detailed in Schedule 1:

- (a) The consumption of alcohol in a restricted place;
- (b) The bringing of alcohol into a restricted place;
- (c) The possession of alcohol in a restricted place; and
- (d) In conjunction with the alcohol controls under paragraphs a) to c) above, the presence or consumption of alcohol in vehicles in restricted public places is also prohibited.

3.2. Temporary alcohol bans

3.2.1 Council may from time to time, by resolution, make a temporary alcohol ban for a public place for a particular time period related to a specified event or a particular time of the

year. The same prohibitions in clause 3.1 which apply to restricted places with permanent alcohol bans will apply for the period of the temporary ban.

- 3.2.2 Where this is done, a minimum 7 days of public notice of the temporary alcohol ban shall be given prior to the event or particular time of the year, specifying the additional restricted area(s) and the time period when the provisions of this bylaw shall apply. Public notices shall be affixed in or adjacent to these restricted places at such times that the provisions of this bylaw apply.
- 3.2.3 Council, may at any time, amend or revoke an alcohol ban in accordance with the provisions of this Bylaw and the Local Government Act 2002.

4. Amending this Bylaw

- 4.1.1. Council may amend this bylaw in accordance with the provisions of the Local Government Act 2002 (LGA), which require public consultation, other than for very minor amendments. Amendments may include adding a restricted place to Schedule 1, modifying the boundaries of a restricted place already contained in Schedule 1 or removing a restricted place from Schedule 1.
- 4.1.2. Before amending this bylaw by resolution, Council may consider:
- (a) The extent of the problems associated with alcohol in the restricted areas;
 - (b) Whether these problems are likely to continue without alcohol control;
 - (c) Other options for addressing these problems, in particular options that may be more appropriate than alcohol control;
 - (d) Due balance between public and private rights;
 - (e) The community's views on the proposed ban;
 - (f) The police's views on the proposed ban; and
 - (g) Any other matter Council considers relevant.

5. Offences and Penalties

5.1. Offences

- 5.1.1. Every person **COMMITTS AN OFFENCE** under the Local Government Act 2002, and is liable to a fine not exceeding \$20,000 (twenty thousand dollars) who:
- (a) Fails to comply with or acts in contravention of any alcohol ban or any provision of this Bylaw; or

- (b) Breaches the conditions of any dispensation or exemption granted pursuant to this Bylaw; or
 - (c) Fails to comply with a notice served under this Bylaw.
- 5.1.2. Breaches of this bylaw are also Infringement Notice offences under section 245 of the the Local Government Act 2002.

5.2. Powers of the Police

- 5.2.1. Police powers of arrest, search and seizure under this bylaw are set out in sections 169, 169A and 170 of the Local Government Act 2002. A constable may, without warrant, for the purpose of ascertaining whether alcohol is present, search a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or a vehicle that is in, or is entering, a restricted place: and seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban.
- 5.2.2. A constable may arrest any person whom the constable finds committing an offence, arrest any person who has refused to comply with a request by a constable, to leave a restricted place; or to surrender to a constable any alcohol that, in breach of an alcohol ban is in the person's possession.
- 5.2.3. Alcohol or a container seized under Section 169 subsection (2)(b) of the Local Government Act 2002 is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.
- 5.2.4. The police do not require a warrant to conduct a search to ascertain whether alcohol is present in a container or a vehicle. A person must be informed that they have the opportunity to promptly remove a container or a vehicle containing alcohol from a restricted place, and the person shall be given a reasonable opportunity to do so.
- 5.2.5. For the avoidance of doubt, in circumstances where a person so informed has removed alcohol from a restricted place, and subsequently returns with alcohol to that restricted place within a period when it could be reasonably deemed that the person has been informed prior to remove the alcohol, this bylaw shall not be interpreted as in any way requiring the police to provide the person with a further opportunity to remove the alcohol from the restricted place prior to search.

6. Exemptions and Dispensations

- 6.1.1. This bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence pursuant to section 137 of the Sale and Supply of Alcohol Act 2012, for any event to be held in a restricted place.

- 6.1.2. As provided for in section 147(4) of the Act, this bylaw does not prohibit, in the case of alcohol in an unopened bottle or 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.
- 6.1.3. This bylaw does not prohibit the possession and/or consumption of alcohol at any premises within a restricted place in compliance with the conditions of a licence for the sale and/or consumption of alcohol under the Sale and Supply of Alcohol Act 2012. This includes footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises or an approved plan, and other areas, clearly defined and identified under an appropriate alcohol licence for an event or function at the time alcohol is being possessed or consumed.
- 6.1.4. In addition this bylaw does not prohibit the possession and/or consumption of alcohol within any premises detailed in Schedule 2, or the taking of sealed containers to or from those premises in conjunction with an event occurring there with the approval of the premises management or owner, provided any other alcohol licence requirements are complied with.
- 6.1.5. The Chief Executive of the Waipa District Council or a delegated staff member may, on application by any person (including a territorial authority employee), grant a dispensation to do or refrain from doing anything that would otherwise be in breach of this bylaw for the purpose of enabling possession and/or consumption of alcohol in a restricted place at any time.
- 6.1.6. Such a dispensation shall be granted only in respect of specific time periods and specific locations associated with an event, to enable better enjoyment of the event by members of the public, and may be subject to such conditions or requirements as the delegated staff member determines are necessary to meet the objectives of the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012.

6.1.7. In considering any such application, the delegated staff member responsible for making the decision shall obtain and consider a report from the police, and a Licensing Inspector, including any matters set out in that response.

6.2. Fees and charges

6.2.1. Fees for the issue of dispensations and other actions under this Bylaw are as set out in Council's Schedule of Fees and Charges.

6.2.2. Fees and Charges for the issue of dispensations and other actions under this Bylaw may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

7. Revocation

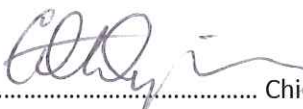
The Waipa District Council Public Places Liquor Control Bylaw 2008 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on 29 September 2015. This Bylaw becomes operative on the 9 October 2015.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on [date] in the presence of:




..... Mayor
Jim Mylchreest

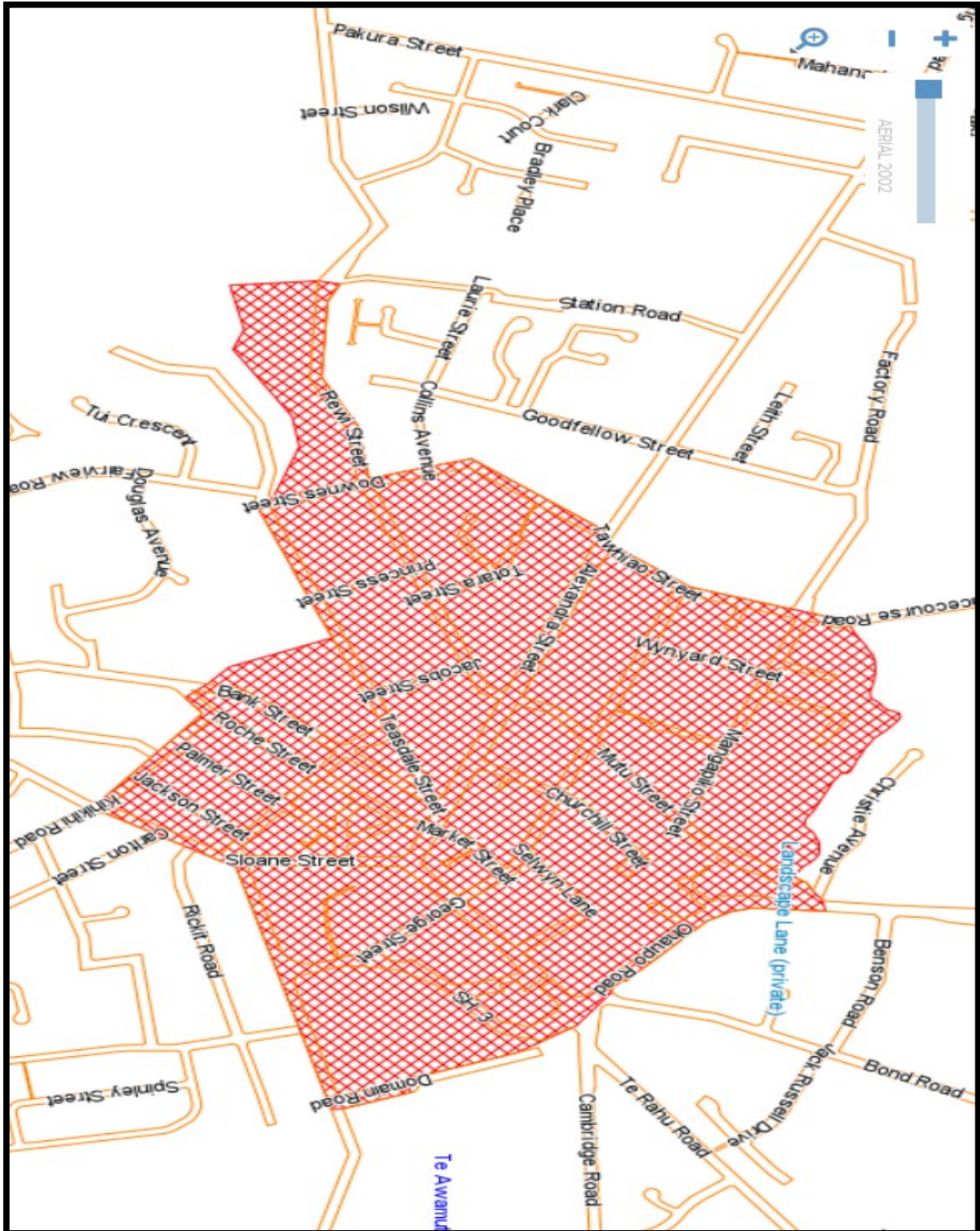

..... Chief Executive
Garry Dyet

Schedule 1: Restricted Places

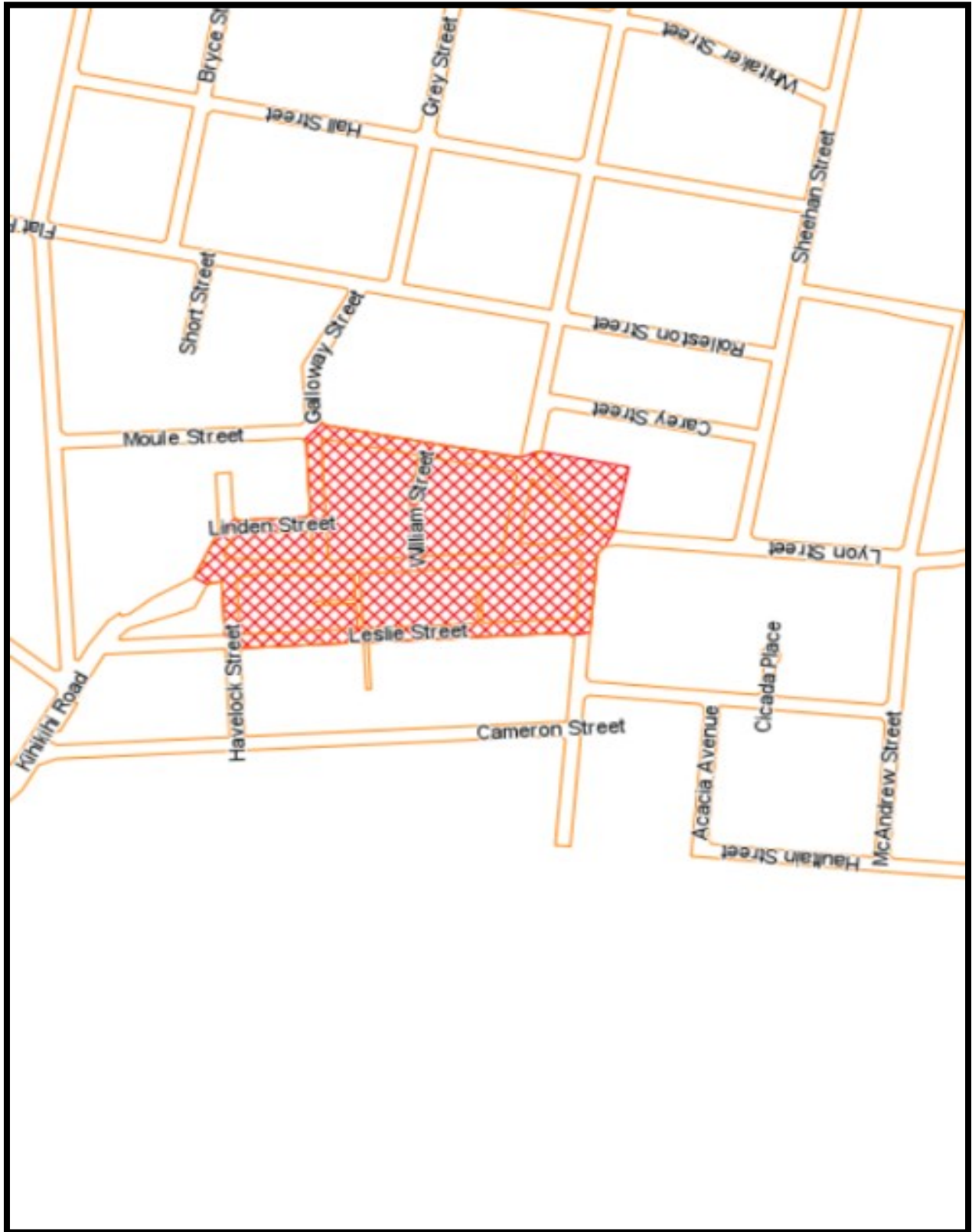
Public places within the following areas of Waipa District are restricted places for the purpose of this bylaw as shown by the hatched areas on the maps attached for

- Map A - Te Awamutu
- Map B - Kihikihi
- Map C - Cambridge
- Map D - Leamington

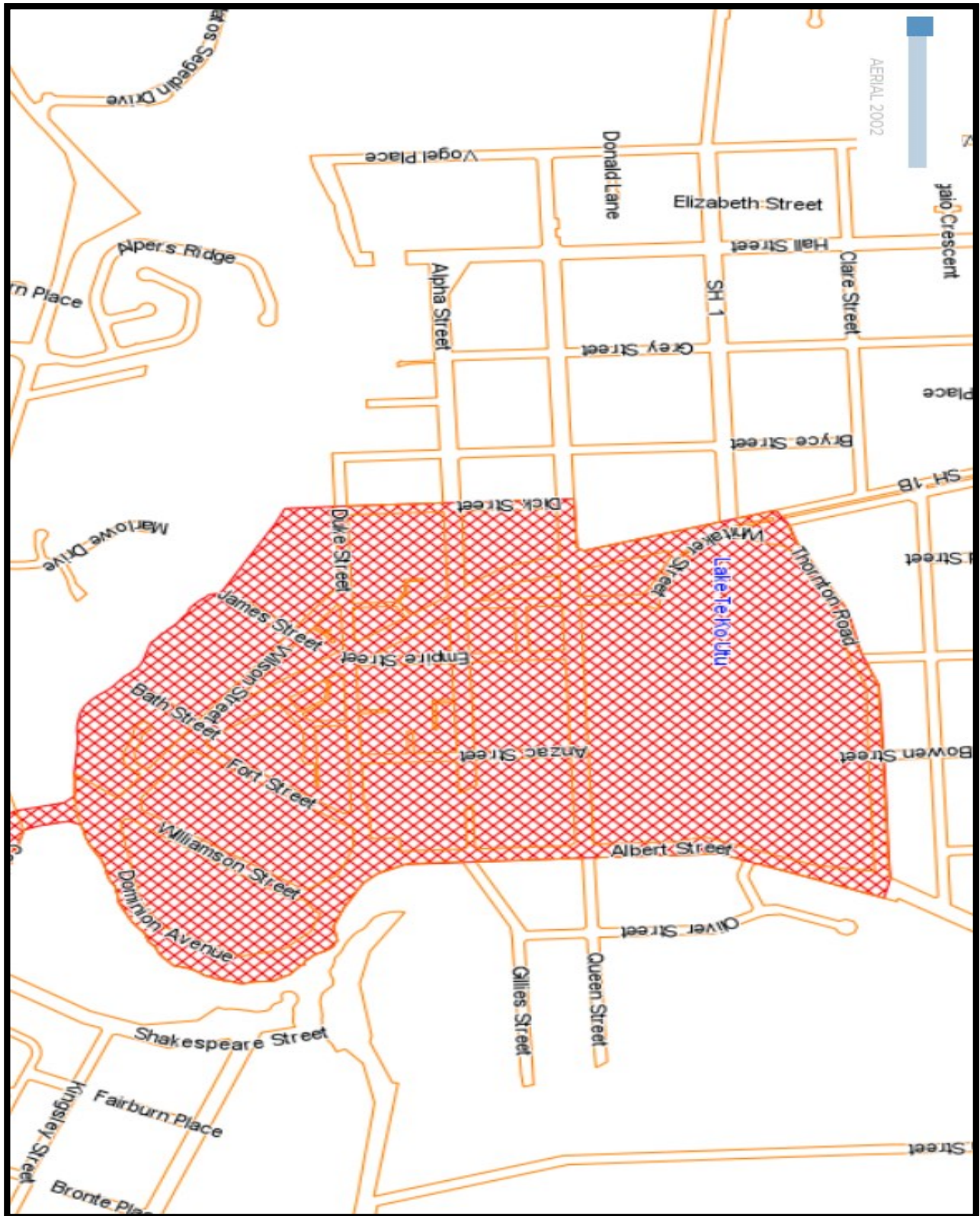
Map A – Te Awamutu



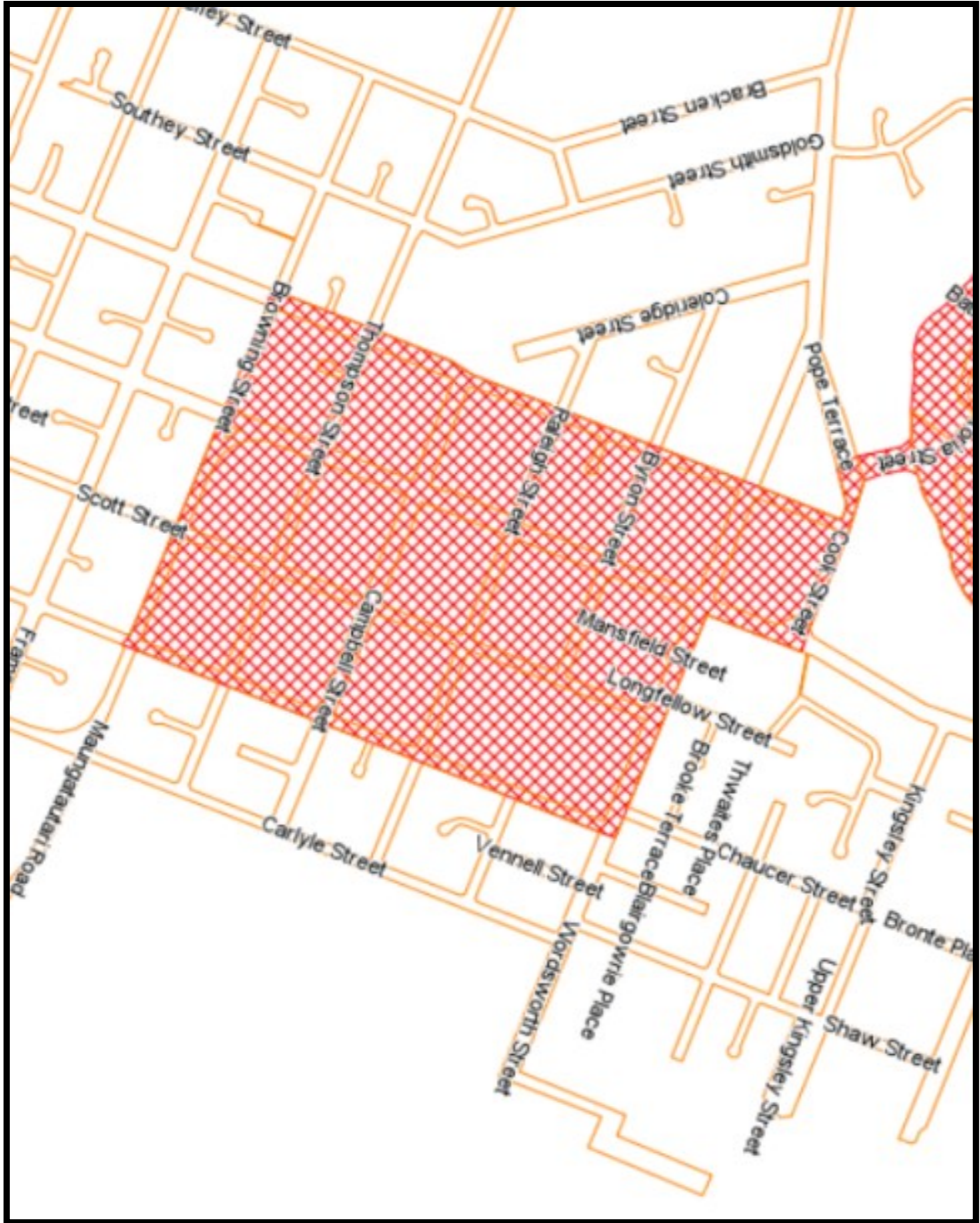
Map B – Kihikihi



Map C – Cambridge



Map D – Leamington



Schedule 2: Buildings excluded

Cambridge Town Hall, Queen Street Cambridge

Te Awamutu Events Centre, Selwyn Lane Te Awamutu

Waipa District Council Chambers and Committee Rooms, Bank Street Te Awamutu and Wilson Street Cambridge