

# **South Wairarapa Liquor Control Bylaw 2011**

## **1 Purpose**

This part of the bylaw prohibits the consumption and possession of liquor in public places at all times. It applies to the Featherston Central Business District at all times, as shown on the attached map: Featherston Prohibited Area Map. The bylaw also enables a temporary liquor ban for specified parts of South Wairarapa for a specified time, associated with particular events. These temporary bans will be subject to Council resolution.

The bylaw includes a process to obtain written permission from the Council to authorise events that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

The purpose of this bylaw is to address concerns relating to potential offending and safety concerns that are linked to the possession or consumption of liquor in public places. By imposing this ban, the consumption of liquor within the control area should primarily be restricted to private residences or licensed premises.

The bylaw is introduced pursuant to s147 of the Local Government Act 2002 - this section should be read together with this part of the bylaw as it contains the relevant definitions and the situations when the bylaw will not apply (particularly relating to the transportation of unopened liquor). Pursuant to s 169 and s 170 of the Local Government Act 2002, the Police can enforce this part of the bylaw. Further details on the statutory provisions are provided as a note at the end of this part of the bylaw.

## **2 Definitions**

The Featherston Central Business District means the area depicted in the attached schedule 1, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.
- c) Any private premises which are not a public place.

## **3 Liquor Prohibition**

3.1 The consumption or possession of liquor in a public place (including while in a vehicle), within the Featherston Central Business District. This prohibition applies at all times.

3.2 In addition to the prohibition in Clause 3.1 above, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places and areas within the South Wairarapa District. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the event. The Police powers of search under s170 (2) of the Local Government Act 2002 applies to these events.

## **4 Council Permission**

4.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw.

4.2 A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location

or event, and subject to the terms of that special licence will include waivers and dispensation from this bylaw according to those terms.

## 5 **Signage**

- 5.1 Should a liquor prohibition be imposed, Council will erect signage within public places to provide information to the public on the terms of the prohibition. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the bylaw.

## 6 **Offences**

- 6.1 Everyone commits an offence who:
- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
  - b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of this bylaw.

## 7 **Powers to amend or revoke this Bylaw**

- 7.1 Any changes to the bylaw once adopted either by way of amendment or revocation will be undertaken in accordance with section 156 of the Local Government Act 2002 and any other relevant legislation.

### **Note**

*This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:*

*Section 147 empowers Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.*

*Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.*

*Section 170 sets out certain conditions imposed on the Police powers of search under s 169.*

*This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.*

## **Schedule 1 – Featherston Prohibited Area**



For the avoidance of doubt this area includes the entire length of legal road reserve of the streets which form the boundary to the area specified, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths, where the public place meets or is crossed by another road the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.