

# SOUTH WAIRARAPA DISTRICT COUNCIL

19 September 2018

## AGENDA ITEM C4

### TOAST MARTINBOROUGH LIQUOR BAN REQUEST

#### **Purpose of Report**

Notice is required to be given to effect a prohibition on alcohol consumption or possession (including while in a vehicle) on specified public roads and in public places within Martinborough for the Toast Martinborough festival on 18<sup>th</sup> November 2018.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the information.*
2. *By resolution pursuant to Clause 3.2 of the South Wairarapa Liquor Control Bylaw 2011, order a prohibition of alcohol consumption or possession of liquor for the public places (as shown in Appendix 1 to this report) as a "Liquor Prohibition Area".*

#### **1. Executive Summary**

Council may by resolution order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) in a public place. This can occur for certain specified times and/or within certain specified public places within the South Wairarapa District.

A temporary liquor ban is requested for the Toast Martinborough site which includes the Martinborough Square and immediately adjoining areas.

The prohibition is sought to be in effect on 18<sup>th</sup> November 2018, from 12:00 midday to 9:00 pm.

The area to be covered by the ban includes the Martinborough town square area bounded by Strasbourg, Cork, Naples and Ohio streets and the adjoining Cambridge Road, Texas, Oxford, Kansas, Jellicoe and Kitchener streets that enter the square.

## 2. Background

There have been requests from both the Police and the event organisers to have a temporary liquor ban as a means of addressing alcohol-related behaviour in public places during Toast Martinborough, an annual wine, food and music event.

If approved this would be the sixth year that a liquor ban has been in place for the event.

The Police report that:

*"The intent of the police in this submission is a response to concerns from the organisers and the community about the anti-social behaviour, harm and negative perceptions of safety in public places derived from the consumption of liquor during the event. It is a means of managing the alcohol related behaviour and having communities where people feel safer and free from intimidation at all times."*

The requests are attached as Appendix 2 and 3, respectively.

## 3. Discussion

### Resolution/Consultation Process

Council is required to pass a resolution in order to impose the prohibition. The prohibition must be publicly notified in an appropriate newspaper at least 14 days in advance of the event. The Police powers of search under section 170(2) of the Local Government Act 2002 apply to these events.

### Legal

The legal authority comes from the South Wairarapa Liquor Control Bylaw 2011 which states (Appendix 4):

**"3 Liquor Prohibition**

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."*, and,

**"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".*

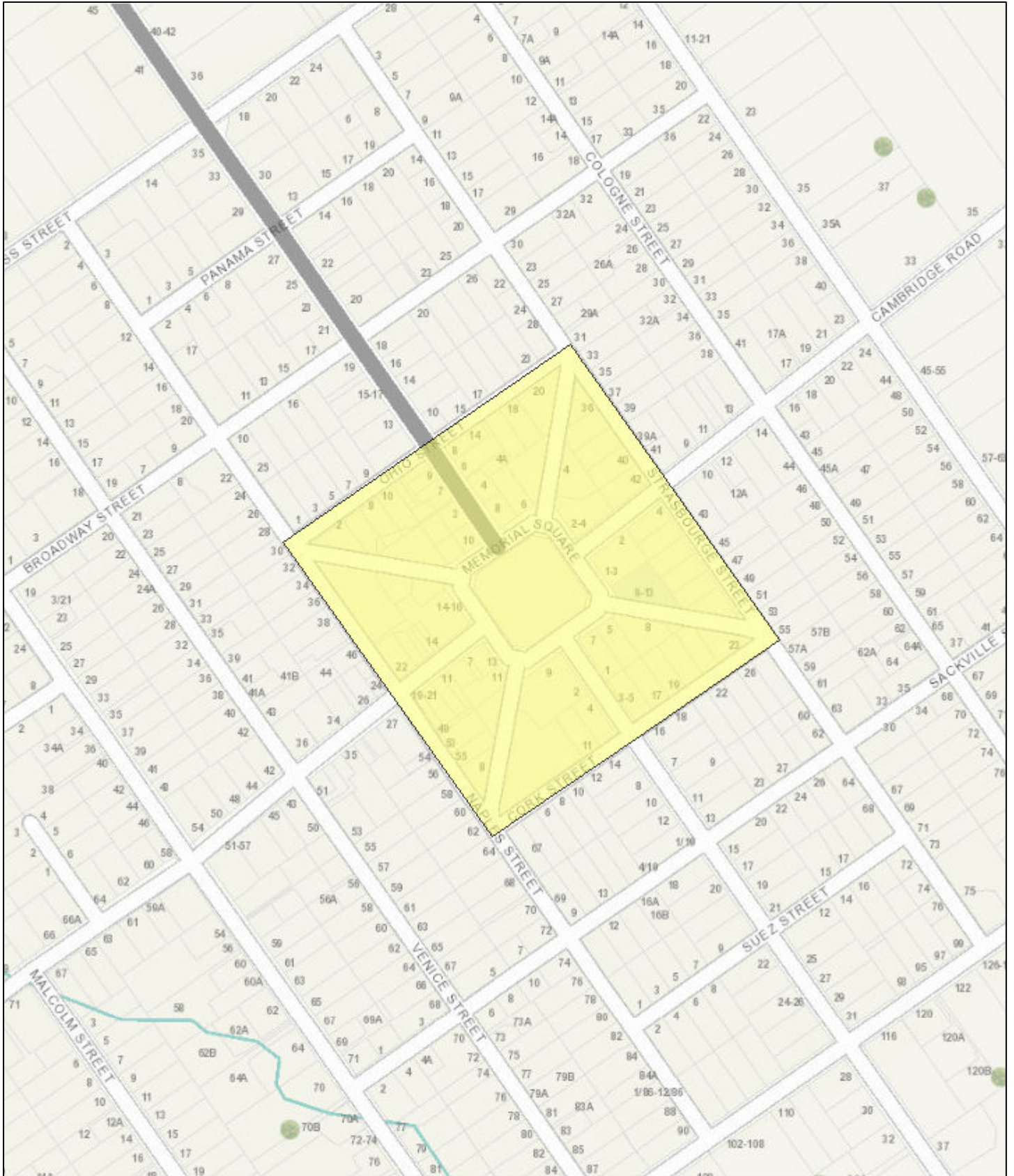
## **5. Appendices**

- Appendix 1: Map showing proposed liquor prohibition area
- Appendix 2: Police report - Sergeant Kevin Basher, New Zealand Police
- Appendix 3: Report - Anna Neilson, Toast Martinborough
- Appendix 4: South Wairarapa Liquor Control Bylaw 2011

Prepared by: Shane Sykes, Environmental Services Manager

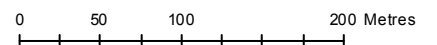
Reviewed By: Russell O'Leary, Group Manager Planning and Environment

# **Appendix 1 - Map showing proposed liquor prohibition area**



September 2, 2016

1:4,673



**DISCLAIMER**

The Masterton, Carterton, and South Wairarapa District Councils accept no responsibility for actions or projects undertaken or loss or damages incurred, by any individuals or company, or agency, using all or any of the information presented on this map. The Councils do not provide interpretation of this information or advice on how to interpret, or utilise this information. Your own independent and appropriate professional advice should be sought. The information displayed on this map may contain errors or omissions or may not have the spatial accuracy required for some purposes.



**Appendix 2 - Police report -  
Sergeant Kevin Basher, New  
Zealand Police**

Masterton Police  
P O Box 43

20th August 2018

Phone 06 3700300

Mobile: 021 1909 442

Shane Sykes  
Environment Services Manager  
South Wairarapa District Council

**Submission from Wairarapa Police for input and consultation for a temporary liquor ban in Martinborough during the period of the 'Toast Martinborough' event, 18 November 2018.**

The preferred times are:

18 November 2018 – 12:00 midday to 9:00 pm

Area to be covered by the ban would include the Martinborough town square area bounded by Strasbourg, Ohio, Cork and Naples streets and include the Cambridge Road, Jellicoe, Texas, Kansas, Kitchener and Oxford streets that enter the square.

**General information**

The Toast Martinborough event is one held for the showcasing of the Martinborough wineries. There are 9 wineries that participate in the surrounding Martinborough area. A Special Licence to sell and supply alcohol is obtained by each of the wineries for the event under the auspices of the Toast Martinborough event group. This is restricted to wine only, for obvious reasons.

The event is well organised and civilian marshals co-ordinate town parking and traffic control.

The event has 8,000 tickets available for the event and all are normally sold.

The Martinborough square is the coordinating and marshalling area for the event, including registration and transport facilities.

This is the area where the majority of patrons return to near the days end to be transported from Martinborough.

This area becomes a major concentration of people from mid to late afternoon.

### **Information in support of the submission**

At this time there is a degree of intoxication that is evident in persons in this area. Police would exercise discretion for festival patrons who return to the square with some wine left in their personal issued glasses; however that discretion would be cognisant of their behaviour.

In the recent event history Police have noted an increased concentration of persons using this area to attempt to continue drinking alcohol whether it is wine and in some cases beer from bottles.

There have been instances noted of persons other than festival goers indulging in the practice of loitering about the square environs drinking alcohol and at times becoming involved in disorderly behaviour type offending. This behaviour has involved festival patrons and these persons, which has a negative impact on the event.

This type of behaviour can very easily escalate into serious disorder leading to fighting and assaults. It is the police's experience that when this occurs the available glass bottles are the used as weapons; thereby creating a heightened opportunity for serious injury to occur.

It is acknowledged by other local authorities that similar liquor bans have proved effective in the reduction of disorder, assaults to persons and wilful damage to property. The Masterton CBD ban area is one such example.

The intent of the police in this submission is a response to concerns from the organisers and the community about the anti-social behaviour, harm and negative perceptions of safety in public places derived from the consumption of liquor during the event. It is a means of managing the alcohol related behaviour and having communities where people feel safer and free from intimidation at all times.

A submission for this event is in line with the prevention first strategy of the police. And to have a considered contingency in place to identify and nullify any potential risk to the patrons partaking in an event that is not only enjoyable for them, but is important for the Martinborough community to be successful; then the police believe the submission is pertinent and justified.



Thank you

If you wish to discuss the matter further, do not hesitate to contact me at the above number.

K P BASHER  
SERGEANT  
MASTERTON POLICE

**Appendix 3 - Report - Anna  
Neilson, Toast  
Martinborough**

# TOAST

## MARTINBOROUGH

*Wine, food & music festival*

23 August 2018

Shane Sykes  
Environmental Services Manager  
South Wairarapa District Council

**Support for submission from Wairarapa Police for a temporary liquor ban in The Square,  
Martinborough during Toast Martinborough 2018**

Toast Martinborough is held on the 3<sup>rd</sup> Sunday in November each year. In 2018, it will be held on Sunday 18th November. Nine vineyards will partner with a top restaurant /caterer and live music to provide a showcase of the regions wine and food.

All 8,000 available tickets sell out, and the event brings a significant amount of investment into the local economy.

The Square in Martinborough is the hub for many services provided to the festival, such as entry and glass collection, the main Festival Bank, and the main centre for transport arrival and departures.

Like last year, we intend to have an alcohol-free concert in The Square to conclude the days proceedings.

Since 2013 a temporary liquor ban was introduced for The Square, to provide Police with a tool to remove people bringing in and drinking alcohol. Even though there are not many who do this now, it is still a useful tool for the Police to have if required. As a result, I would support a liquor ban in The Square from 12noon until 9pm this year. This will protect festival goers and the public alike.

Yours sincerely,

Anna Nielson  
General Manager

**Appendix 4 - South  
Wairarapa Liquor Control  
Bylaw 2011**

# **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:*

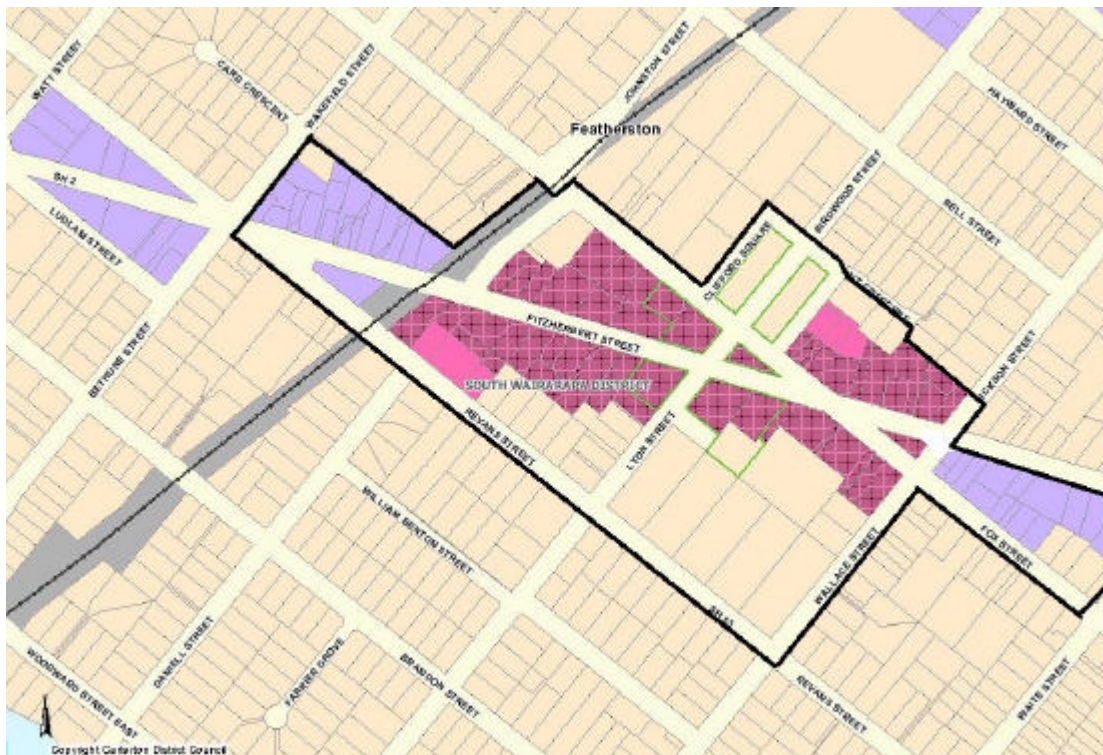
*Section 147 empowers Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.*

*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.