

PLANNING AND REGULATORY COMMITTEE

17 MARCH 2021

AGENDA ITEM C3

ALCOHOL CONTROL BYLAW REVIEW

Purpose of Report

To inform the Committee about the review of the Featherston Liquor Control Bylaw 2010 and the South Wairarapa Liquor Control Bylaw 2011.

Recommendations

Officers recommend that the Committee:

1. *Receive the Alcohol Control Bylaw Review Report.*
2. *Note that officers will commence a review of the Featherston Liquor Control Bylaw 2010 and the South Wairarapa Liquor Control Bylaw 2011 and will report back to the Committee on the outcome of the review and any recommendations regarding a replacement alcohol control bylaw.*

1. Background

The Featherston Liquor Control Bylaw 2010 and the South Wairarapa Liquor Control Bylaw 2011 (Liquor Bylaws) were established to prohibit the consumption and possession of liquor in the Featherston CBD and to enable temporary liquor bans for specified parts of the district for specified times, associated with particular events.

The Liquor Bylaws were due to be replaced with an alcohol control bylaw by December 2018 in accordance with section 11 of the Local Government (Alcohol Reform) Amendment Act 2012. That Act introduced changes to the Local Government Act 2002 regarding bylaws to control the consumption and bringing into, and possession of, alcohol in public places, in order to reduce alcohol related harm.

2. Discussion

Section 147 of the Local Government Act 2002 (LGA) empowers local authorities to make bylaws for alcohol control purposes. Before making or continuing a bylaw Council must:

- determine whether a bylaw is the most appropriate way of addressing the perceived problem;
- be satisfied that:
 - the proposed bylaw can be justified as a reasonable limitation on people’s rights and freedoms;
 - a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
 - the proposed bylaw is appropriate and proportionate in light of that likely crime or disorder.

In addition, no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990.

Officers propose to commence a review of the Liquor Bylaws and the need for a replacement alcohol bylaw to address problems associated with alcohol consumption. Officers will engage with the Police, public health, tangata whenua, industry and community groups and other relevant stakeholders.

Officers will report back to the Committee on the outcome of the review and any recommendations regarding a replacement bylaw.

If Council considers that a replacement alcohol control bylaw is appropriate, Council must consult with the community on the proposed bylaw using the Special Consultative Procedure in accordance with sections 86 and 156 of the LGA.

2.1 Financial Considerations

There are no specific financial considerations relating to the review of the Liquor Bylaws outside of operational budgets. There would be advertising and printing costs associated with consultation on a proposed replacement bylaw.

3. Conclusion

Officers propose to commence a review of the Featherston Liquor Control Bylaw 2010 and the South Wairarapa Liquor Control Bylaw 2011 and will report back to the Committee on the outcome of the review and any recommendations regarding a replacement alcohol control bylaw.

Contact Officer: Karen Yates, Policy and Governance Manager

Reviewed By: Harry Wilson, Chief Executive