



# Control of Alcohol in Public Places Bylaw 2015

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## 1. Title and Commencement

This Bylaw is the Kaikoura District Council **Control of Alcohol in Public Places Bylaw** and comes into force on the **1 December 2015**.

## 2. Repeal

- a) From the date this Bylaw comes into force, any previous Bylaws and their amendments, purporting to alcohol in public places within the Kaikoura District shall be repealed.
- b) All approvals, permits and other acts of authority which originated under the Control of Liquor and Liquor Ban Bylaw 2006 or any previous Bylaw, and all applications, shall for the purpose of this Bylaw continue as if they had originated under this Bylaw.
- c) The revocation of the Control of Liquor and Liquor Ban Bylaw 2006 shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the Bylaws has not been revoked.

## 3. Object

The purpose of this Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.

This Bylaw prohibits or otherwise regulates or controls, the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places.

## 4. Interpretation

ACT	means the Local Government Act 2002
ALCOHOL	has the same meaning as in the Sale and Supply of Alcohol Act 2012 and generally means alcoholic beverages such as beer, wine and spirits.
COUNCIL	means the Kaikoura District Council

PERMANENT ALCOHOL BAN AREA means an area described in the Schedule to this Bylaw in which alcohol restrictions are permanently in place in the public places within the area.

PUBLIC PLACE has the meaning given by section 147 of the Local Government Act 2002.

## 5. Permanent Alcohol Ban Areas

Permanent Alcohol Ban Areas are listed in the Schedule to this Bylaw. The Schedule describes the specified public places that are Permanent Alcohol Ban Areas. The ban in the Scheduled areas is always in place there is no time or day when this is not the case.

## 6. Resolution to Specify Public Places

### 1. Addition/Removal Specified Public Places

Council may from time to time by resolution adopt following the use of special consultative procedures in accordance with the Local Government Act, add to the Schedule of Permanent Alcohol Ban areas other public places to which this Bylaw shall then apply, or in like manner delete from the Schedule those places in respect of which it considers this Bylaw should no longer apply.

### 2. Temporary Addition of Specified Public Places

Council may from time to time be resolution specify additional periods and public places during which the bringing of alcohol into, the possession and/or consumption of alcohol in that public place may be prohibited. Council may make such a resolution in relation to any planned public event, function or social gathering to be held in that public place.

Before a Temporary Alcohol Ban is declared Council will consider whether the benefits to local residents and the Town would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events in the area covered by resolution.

## 7. Restrictions in Alcohol Ban Areas

No person shall:

- bring alcohol into a public place whether in a vehicle or not; or
- possess alcohol in a public place whether in a vehicle or not; or
- consume alcohol in a vehicle in a public place; or
- consume alcohol in

any Permanent Alcohol Ban Area or Temporary Specified Public Place during the specified period.

## 8. Exemptions to Restrictions in Alcohol Ban Areas

1. The alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012 including;

- a) any public place which is part of a licensed premises' outdoor area where permission to occupy that area has been granted by the Council; or
- b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licenses premises across a public place that separates the parts of the licensed premises; or
- c) any public place that is subject to a special licence, for the term of that licence.

*Explanatory Note: A number of exemptions for the transportation of unopened bottles or containers of alcohol though Alcohol Ban Areas are listed in section 147(4) of the Sale and Supply of Alcohol Act and are not restricted by this bylaw.*

## **9. Powers of Arrest, Search and Seizure**

### **1. Powers of the Police**

Where a prohibition on the possession and /or consumption of alcohol is in effect in any public place pursuant to the provisions of section 169 of the Act, a member of the Police may, without warning.

- a) For the purpose of ascertaining whether alcohol is present, search;
  - i) any container (for example, a parcel, package, bag or case) in the possession of any person who is in, or entering, the public place;
  - ii) any vehicle that is in, or entering, the public place.
- b) Seize or remove alcohol and its container if the alcohol is in the public place in breach of that prohibition;
- c) Arrest any person whom the member of Police finds committing an offence against that prohibition;
- d) Arrest any person who has refused to comply with a request by a member of the police
  - i) to leave the specified public place; or
  - ii) to surrender to a member of the Police the alcohol that, in breach of that prohibition, is in that person's possession.

### **2. Warning by the Police**

Before exercising the power of search under Clause 9.1(a) in relation to a container or a vehicle, a member of the Police must –

- a) Inform the person in possession of the container or vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the specified public place; and
- b) Provide the person with a reasonable opportunity to remove the alcohol or the vehicle as the case may be, from the public place.

## **10. Offences**

Every person who breaches this Bylaw, commits an offence under section 239 of the Local Government Act 2002, and is liable on conviction to a fine under section 242 of the Local Government Act 2002.

## **Schedule – Permanent Alcohol Ban Areas**

- Beach Road from Gillings Lane to West End
- Churchill Street from West End to Scarborough Street
- Deal Street including Churchill Park
- Esplanade from West End to Ramsgate Street
- West End
- Whaleway Station Road to West End
- Torquay Street from Killarney Street to Ramsgate Street
- Upper Killarney Street to Scarborough Street to Churchill Street corner
- Ludstone Road from Department of Conservation building to Beach Road/Churchill Street
- Davidson Terrace
- Takahanga Terrace
- Killarney Street
- Yarmouth Street
- Brighton Street
- Ramsgate Street
- Adelphi Terrace
- Including the beach, foreshore, reserves, walkways, car parks, sports ground and camp areas within the above specified areas.



## Alcohol Ban Areas Kaikoura

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