



PAPAKURA DISTRICT COUNCIL LIQUOR CONTROL IN PUBLIC PLACES BYLAW 2008

1 SCOPE

- 1.1 The purpose of this bylaw is to enhance safety and public enjoyment of public places by providing for liquor control in specified public places, and for specified days, times and events.
- 1.2 This bylaw is made pursuant to section 147 of the Local Government Act 2002.

2 DEFINITIONS AND INTERPRETATION

- 2.1 For the purposes of this bylaw the following definitions shall apply:

COUNCIL means the Papakura District Council or any officer authorised to exercise the authority of the Council.

PUBLIC PLACE means a place –

- (i) that is under the control of the Council; and
- (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes a road, whether or not the road is under the control of the Council, and any part of a public place.

SPECIAL EVENT means an event identified in this bylaw or in a resolution passed for the purpose of this bylaw, and to which the Council has granted dispensation, in writing, from full compliance with any or all parts of this bylaw.

SPECIFIED EVENT means an event specified in this bylaw or in a resolution passed for the purpose of this bylaw, and to which the prohibitions and controls in this bylaw will apply only in relation to a specified place.

SPECIFIED PERIOD means the period specified in this bylaw or in a resolution passed for the purpose of this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply in respect of any specified public place or event.

SPECIFIED PUBLIC PLACE means a public place specified in this bylaw or in a resolution passed for the purpose of this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply in respect of any specified time, day or event.

VEHICLE means a VEHICLE as defined in the Land Transport Act 1998 and its amendments.

3 LIQUOR CONTROL

3.1 During any specified period or event no person may

- (a) consume, bring into or possess liquor in a specified public place;
- (b) in conjunction with a prohibition in (a) have or use a vehicle in a specified public place

4 PENALTIES

4.1 Every person who breaches this bylaw commits an offence under section 239 of the Local Government Act 2002, and is liable on summary conviction to a fine not exceeding \$20000 under section 242(4) of the Local Government Act 2002.

5 EXCEPTIONS

5.1 As provided for in section 147(3) of the Local Government Act 2002, this bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container –

- (a) the transport of liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place;
- (b) the transport of liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;
- (c) the transport of that liquor from outside a public place to premises that adjoin a public place –
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

5.2 In addition to 5.1, this bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container:

- (a) the transport of that liquor from those premises that adjoin a public place to a place outside the public place by a resident's bona fide visitors, provided the liquor is promptly removed from the public place; or
- (b) the transport of that liquor across from any council controlled carpark to which this bylaw applies, to any adjoining public place, provided the liquor is promptly removed from the carpark.

6 POWERS OF THE POLICE

- 6.1 The Police have the powers of arrest, search and seizure as set out in section 169 and section 170 of the Local Government Act 2002 and its amendments.
- 6.2 In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle without further notice) on specified times and dates, or in relation to specified events and specified public places which may be notified by the Council from time to time in accordance with section 170(3) of that Act.

7 SPECIFYING PUBLIC PLACES

- 7.1 The Council may from time to time by resolution specify public places and periods to which this liquor control bylaw shall apply.
- 7.2 A resolution made under 7.1 may specify that the prohibitions and controls will apply to the specified public place either generally or only in relation to specified periods or events.
- 7.3 Before passing a resolution under 7.1 Council must be satisfied that:
- (a) there are sufficient grounds under which to impose the liquor controls, and that the nature and extent of the proposed liquor control reasonably reflects these grounds;
 - (b) the liquor control maintains due balance of public and private rights;
 - (c) the extent of public consultation has been sufficient to gauge the community's views on the proposed liquor control;
 - (d) Police comment has been sought on the proposed liquor control
- 7.4 A resolution made under clause 7.1 may be amended or revoked at any time.

8 DISPENSATIONS

- 8.1 The Council may by resolution grant a dispensation from compliance with any or all parts of this bylaw for special events.
- 8.2 Any resolution granting a dispensation for a special event must stipulate the public places or parts of a public place to which that dispensation applies, the duration for which the dispensation applies, and the extent of the dispensation, and the Police must be notified accordingly.
- 8.3 A special event dispensation will be required by any applicant for a special liquor licence under the Sale of Liquor Act 1989 for the sale and consumption of liquor in a specified public place.
- 8.4 Before passing a resolution under clause 8.1 the Council must be satisfied that the benefits of providing a dispensation from full compliance with any or all parts

of this bylaw outweigh any disadvantages from the imposition of the liquor control.