



**GISBORNE
DISTRICT COUNCIL**

**Gisborne District
Public Places Liquor
Control Bylaw 2003**

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Bylaw of the Gisborne District Council made in pursuance of the powers contained in the Local Government Act 2002 enabling the Council in that behalf:

1. Short Title and Commencement

This Bylaw shall be known as the “Gisborne District Public Places Liquor Control Bylaw 2003” and shall come into force on the 26th day of December 2003.

2. Repeals

Clause 14.13 and the second schedule of the Gisborne District Public Places Bylaw 1995 are hereby repealed.

3. Scope

This Bylaw is made under the authority of Sections 145 and 147 of the Local Government Act 2002.

The purpose of this Bylaw is to enhance public amenity and safety, by providing for liquor control in specified public areas to reduce the incidence of alcohol related offences of a violent and/or destructive nature.

4. Definitions

In this Bylaw, if not inconsistent with the context:

Act	Means the Local Government Act 2002.
Council	Means the Gisborne District Council.
Liquor	Means as defined in the Sale of Liquor Act 1989.
Public Place	Means a public place as defined under s.169(1) and s.147(1) of the Local Government Act 2002.
Specified Public Place	Means any public place that is within an area described in the Schedule to this Bylaw, and/or any place so determined for specified dates or in relation to specified events under section 6 of this Bylaw.

5. Acts Prohibited in Specified Public Places within the Gisborne District

For the purposes of regulating and controlling the behaviour of members of the public in public places at specified places and specified times.

- the consumption of liquor in or at any Specified Public Place; and
 - the possession of liquor in or at any Specified Public Place, including but not limited to liquor in a container such as a bag, parcel or package, or liquor in or on a vehicle; and
 - the bringing of liquor into any Specified Public Place are hereby prohibited but nothing in this clause shall apply in the case of liquor in an unopened bottle or other container to:
 - the direct transport of that liquor from outside the Specified Public Place to premises that adjoin the Specified Public Place
 - by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - from those premises to a place outside the Specified Public Place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the Specified Public Place; or
 - the transport of that liquor from premises that adjoin a Specified Public Place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises, provided the liquor is promptly removed from the Specified Public Place; or
- the transport of that liquor from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989.

6. Determination of Additional Specified Times and Places

From time to time, the Mayor and the Chief Executive Officer of the Council may jointly in writing determine for a particular purpose additional areas to be Specified Public Places and specified time periods when the provisions of this bylaw shall apply and in so doing shall consider the following criteria:

- that the control of liquor is appropriate to prevent or reduce unwanted behaviour;

- that the area to be determined as a Specified Public Place and the specified times are appropriate;
- that the area to be determined as a Specified Public Place is reasonably capable of being controlled including points of access to and from the area;
- that the Police are able to provide the resources reasonably necessary to enforce the Bylaw and maintain orderly behaviour;
- any other matter that the Mayor and Chief Executive Officer consider to be appropriate.

7. Power of Search

Any member of the police is hereby authorised to immediately and without further notice exercise the power of search under s.169 (2)(a) of the Local Government Act 2002 in or adjacent to any Specified Public Place determined under Section 6 of this Bylaw.

8. Offences

Any person who acts contrary to or fails to comply with any provision of this Bylaw commits an offence and is liable upon summary conviction to a penalty not exceeding \$2000.

The foregoing Bylaw was duly made by the Gisborne District Council by a resolution passed on the 25th day of September 2003 and was amended and confirmed, following consideration of submissions received during a Special Consultative Procedure, by a resolution passed on the 18th day of December 2003. The said Gisborne District Public Places Liquor Control Bylaw 2003 was ordered to come into force on the 26th day of December 2003.

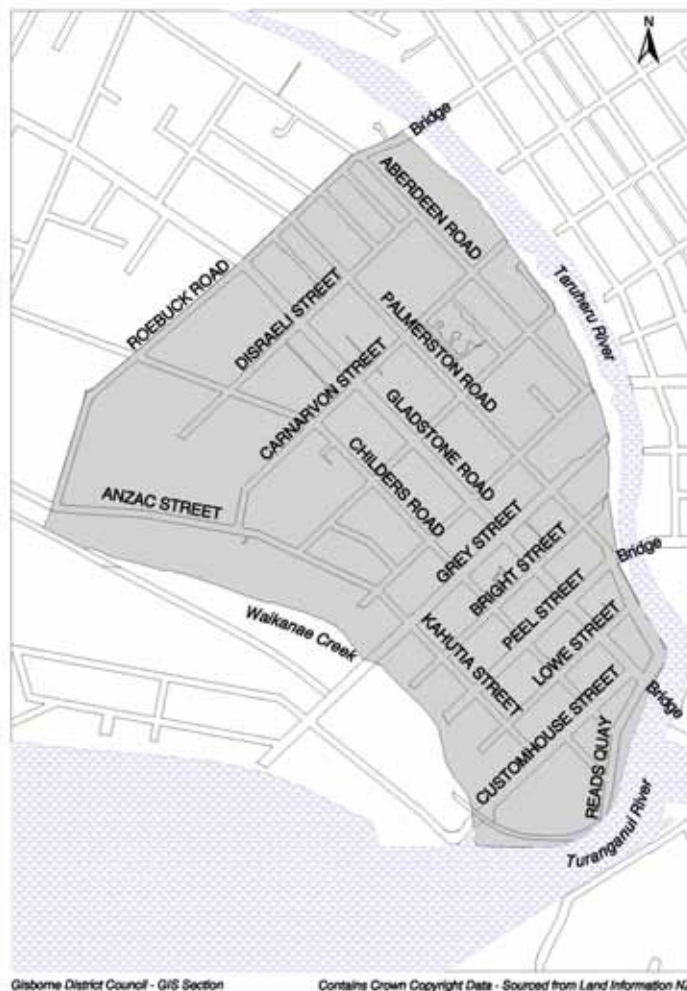
Schedule

Any place or part of a place that is under the control of the Council, which is open to or used by the public, whether or not a charge for admission applies, including but not limited to any road, street, service lane, footpath, carpark and reserve within the area and for the times specified below:

GISBORNE CITY

AREA	TIMES
Area bounded by and inclusive of: Roebuck Road, Taruheru River (southern bank), Turanganui River (western bank) and Waikanae Creek (northern bank).	At all times.

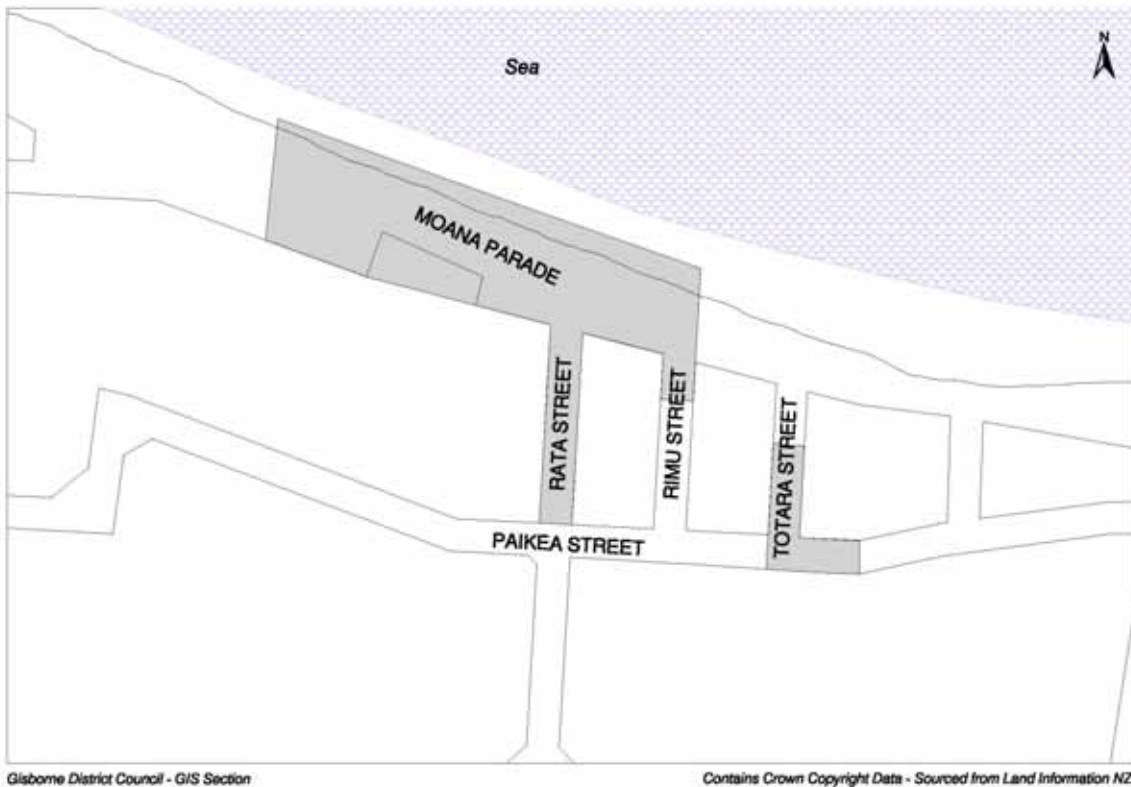
and as detailed in the map below



TE ARAROA

AREA	TIMES
Former Airstrip (part), Moana Parade (middle), Rata Street and Rimu Streets (lower ends), Totara/Paikea Streets in vicinity of Matakaoa RSA.	For the period from Noon (1200 hours) Thursday to 0700 hours Monday.

and as detailed in the map below



Explanatory Comment – Police Powers

Police powers of arrest, search and seizure under this Bylaw are clearly defined in sections 169 and 170 of the Local Government Act 2002. In summary, where a person is found to be in breach of this Bylaw, the liquor would be subject to seizure, and forfeit to the Crown if the person is convicted of breaching the Bylaw. A person could be arrested if found to be committing an offence under this Bylaw, or refusing to leave the area, or refusing to surrender the liquor. No warrant is required for the police to conduct a search to ascertain whether liquor is present in a container or vehicle that is in or entering the public place. However, prior to exercising the power of search, a person must be informed that they have the opportunity to promptly remove the container or vehicle from the specified public place, and be given a reasonable opportunity to do so.

Interpretation notes:

1. In circumstances where a person so informed has removed liquor from a public place, and subsequently returns with liquor to that public place within a period when it could reasonably be deemed that the person has been informed prior to search, the police shall **not** be required to provide the person with a further opportunity to remove the liquor from the specified public place prior to search.
2. No such opportunity is required to be given for areas determined under Section 6 of this Bylaw.

Licensed Premises

The possession and/or consumption of liquor is permitted at any premises within the Specified Public Place in compliance with a licence for the sale and/or consumption of liquor under the Sale of Liquor Act 1989, including footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises.

Additional Areas

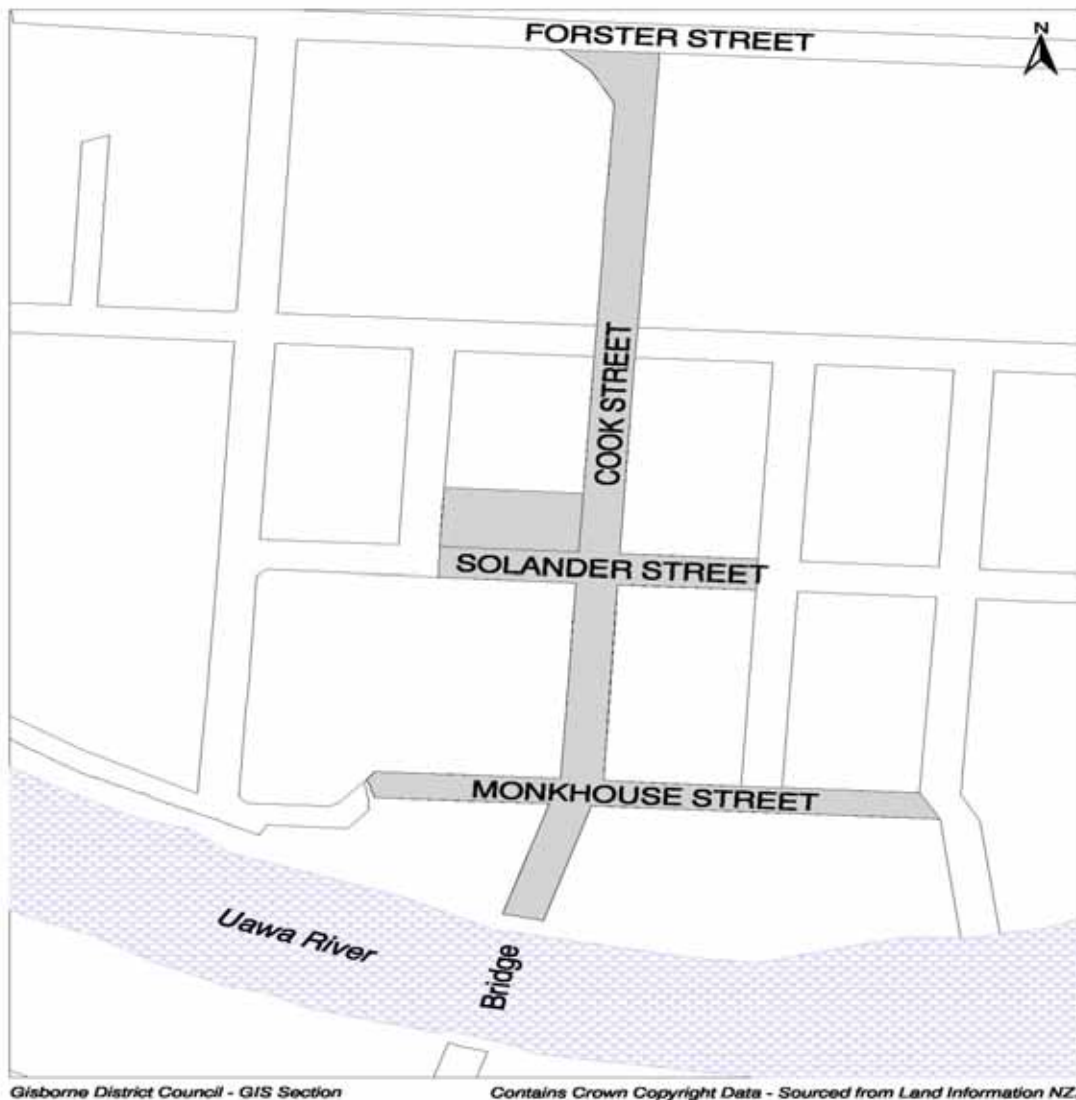
Where additional areas are determined under section 6 of this bylaw, a minimum of 14 days public notice shall be given specifying the additional areas, and the period when the specification applies. Public notices shall also be affixed in or adjacent to the additional specified public place(s) at such times.

Amendment: Addition to Schedule

TOLAGA BAY

AREA	TIMES
Cook Street (from Uawa River Bridge to Forster Street), Solander Street (from Endeavour Street to Gore Street), Cook Street Reserve and Skateboard Park, Monkhouse Street (from Resolution Street to the Parkinson Street drain).	For the period from noon (1200 hours) Thursdays to 0700 hours Mondays.

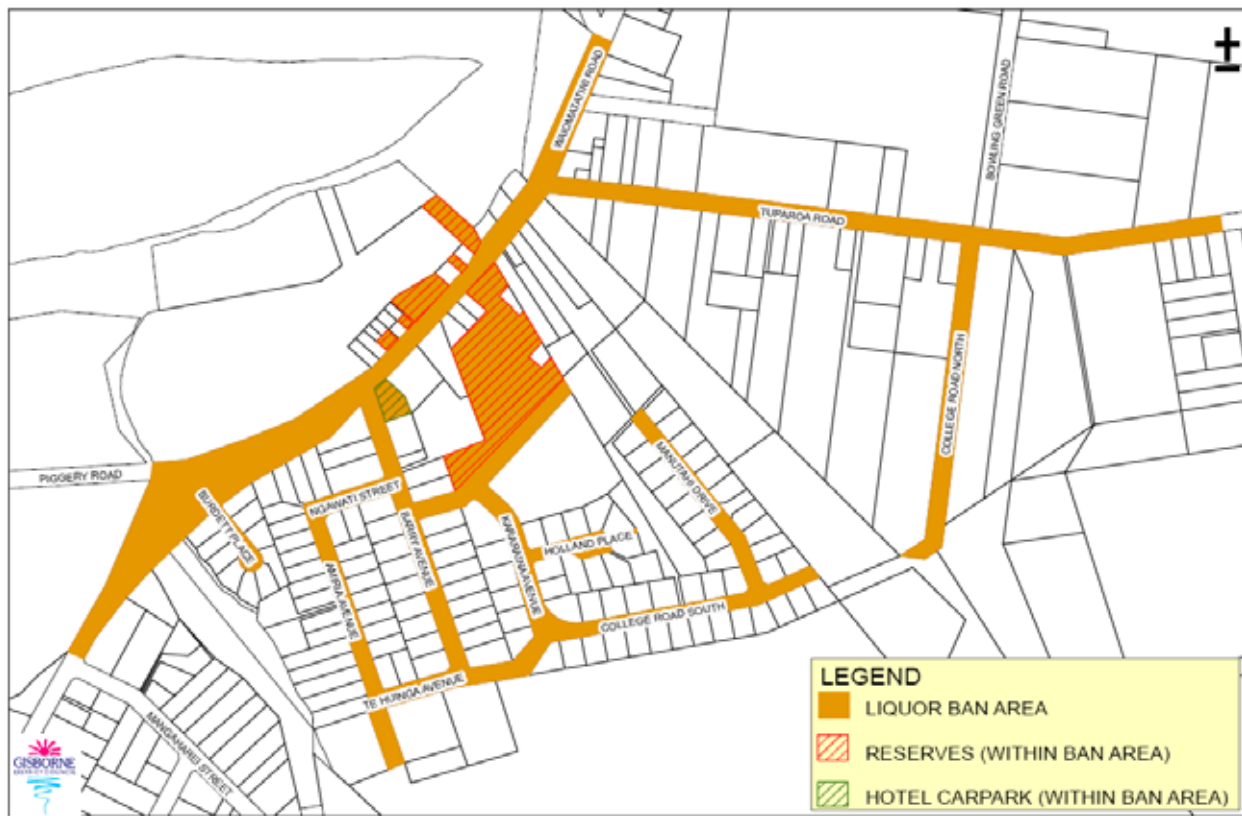
and as detailed in the map below



RUATORIA

AREA	TIMES
<p>Amiria Avenue, Barry Avenue, Burdett Place, College Road (North and South), Hekiera Road, Holland Place, Kararaina Avenue, Manutahi Drive, Ngawati Street, Racecourse Road from Waiomatatini Road to Bowling Green Road, Te Huinga Avenue, Tuparoa Road from Waiomatatini Road to Mc Clutchie Road, Waiomatatini Road from Mangaharei Road to Fire Station Road, and all public places adjoining these roads including, Ruatoria hotel car park and all Council controlled reserves.</p>	<p>For the period from noon (1200 hours) Thursdays to 0700 hours Mondays.</p>

and as detailed in the map below



THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO
AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE
GISBORNE DISTRICT COUNCIL HELD ON _____ (DAY) OF
_____ (MONTH) 2008.

----- MAYOR

----- CHIEF EXECUTIVE