



GISBORNE DISTRICT COUNCIL

# Alcohol Control Bylaw 2015



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**Schedule 1 –**

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## Title

- 1.1 This bylaw may be cited as the "Gisborne District Alcohol Control Bylaw 2015".

## Commencement and application

- 2.1 This Bylaw shall come into force on 20 November 2015 and shall apply to the whole of the Gisborne District.
- 2.2 This Bylaw shall have the effect of repealing the Gisborne District Council Public Places Liquor Control Bylaw 2003.

## Enabling enactments

- 3.1 This bylaw is made under the authority of section 147 and 147A of the Local Government Act 2002.

## Scope

- 4.1 The purpose of this bylaw is to regulate and control the consumption of alcohol in public places, the bringing of alcohol onto public places and the possession of alcohol in public places in order to reduce the incidents of alcohol related harm.

## Interpretation

- 5.1 In this bylaw, unless the context otherwise requires:

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Alcohol	Has the same meaning as set out in s.5 of the Sale and Supply of Alcohol Act 2012
Council	Means the governing body of the Gisborne District Council or any person delegated to act on its behalf.
Large Scale Event	Means an event within the District that Council believes, on reasonable grounds, will have a patronage of more than 400 people.
Public place	Has the same meaning as given by s.147(1) of the Local Government Act 2002.
Restricted area	Means a restricted place as defined in s.169(1) of the Local Government Act 2002 and includes the areas defined in Schedule 1 of this bylaw and any public place subject to an alcohol ban made under clause 7 of this bylaw.
Vehicle	Has the same meaning as contained in section 2(1) of the Land Transport Act 1998.

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- 5.2 The Interpretation Act 1999 applies to this bylaw.

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- 5.3 Explanatory Notes attached to this bylaw are for information purposes only and do not form part of this bylaw and may be made, revoked, amended or replaced by Council at any time.

## Alcohol Bans

- 6.1 Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) defined as a restricted area.

## Alcohol Bans for Large Scale Events

- 7.1 The Council may by ordinary resolution, for the purposes of regulating or controlling a large scale event, make a restricted area prohibiting or restricting the consumption, bringing into or possession of alcohol in public places (including in a vehicle within the public places).
- 7.2 The Council must, before making an alcohol ban in clause 7.1 be satisfied that the proposed ban:
- (a) is for a large scale event and not suitable for consideration for a permanent ban; and
  - (b) gives effect to the purpose of this bylaw; and
  - (c) the decision making process complies with the decision-making requirements of Subpart 1 Part 6 of the Local Government Act 2002.

## Enforcement

- 8.1 A constable may use their powers, including the power of search under the Local Government Act 2002 to enforce this bylaw.
- 8.2 In addition to the 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 immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

## Offences and Penalties

- 9.1 Every person who breaches this bylaw commits an offence.
- 9.2 Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

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## Appendix 1

### Explanatory Notes

1. Definition of Alcohol from s.5(1) of the Sale and Supply of Alcohol Act 2012.

**alcohol** means a substance—

(a) that—

(i) is or contains a fermented, distilled, or spirituous liquor; and

(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or

(b) that—

(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and

(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people

2. Definition of public place from s.147 of the Local Government Act

**public place**—

(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

(b) does not include licensed premises.

**licensed premises** has the meaning given by [section 5\(1\)](#) of the Sale and Supply of Alcohol Act 2012

3. Under s.147(4) of the Local Government Act 2002 the prohibition in clause 6 does not prohibit, regulate, or control, in the case of alcohol in an unopened container,—

(a) the transport of the alcohol from licensed premises next to a public place, if—

(i) it was lawfully bought on those premises for consumption off those premises; and

(ii) it is promptly removed from the public place; or

(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or

(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or

(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—

(i) the transport is undertaken by a resident of those premises; and

(ii) the alcohol is promptly removed from the public place.

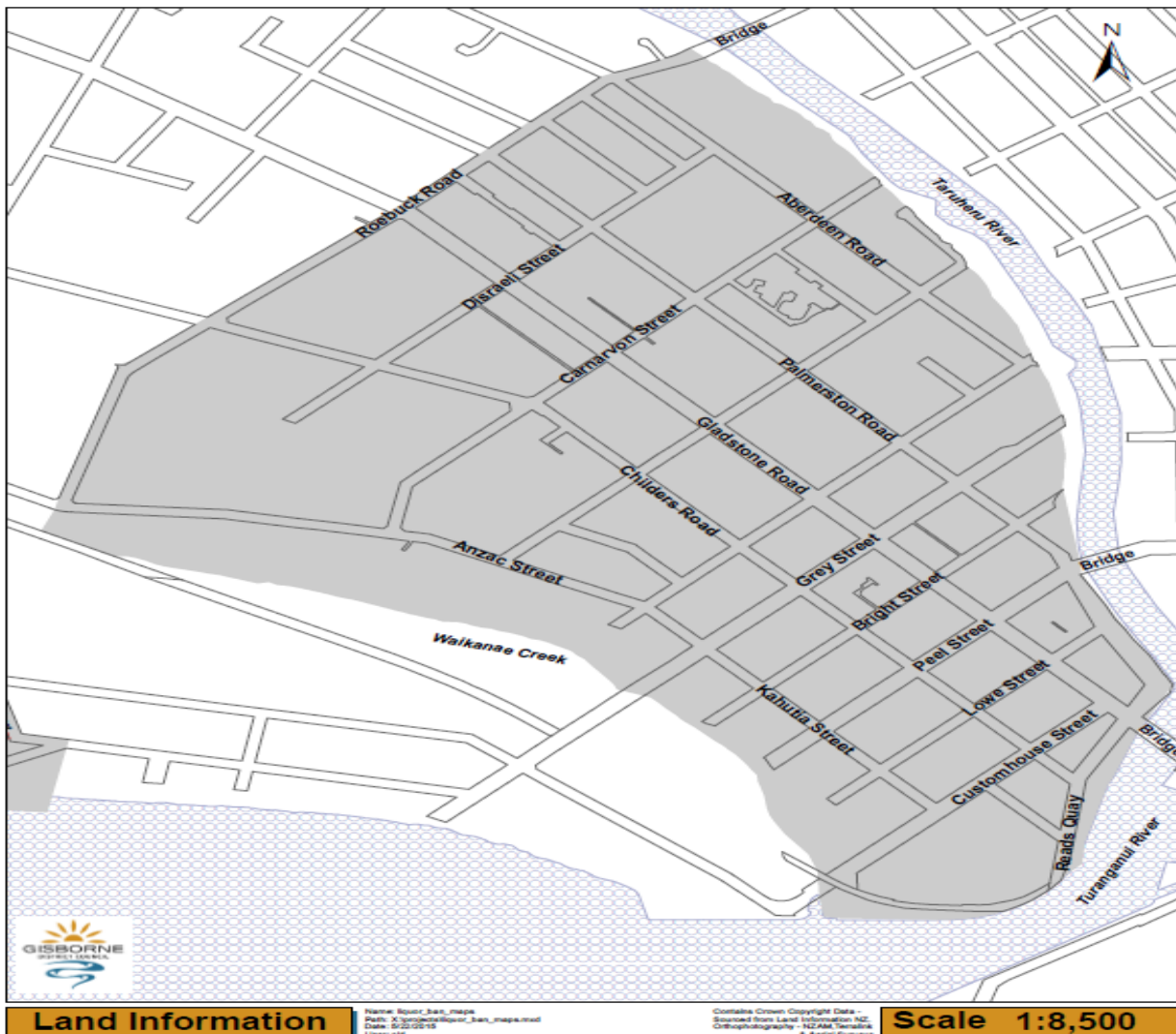
4. Under the Local Government Act 2002 infringement fines may be issued where regulations set the fine, the Local Government (Alcohol Ban Breaches) Regulations 2013 sets the infringement fine for breach of an alcohol ban at \$250.

# Schedule 1

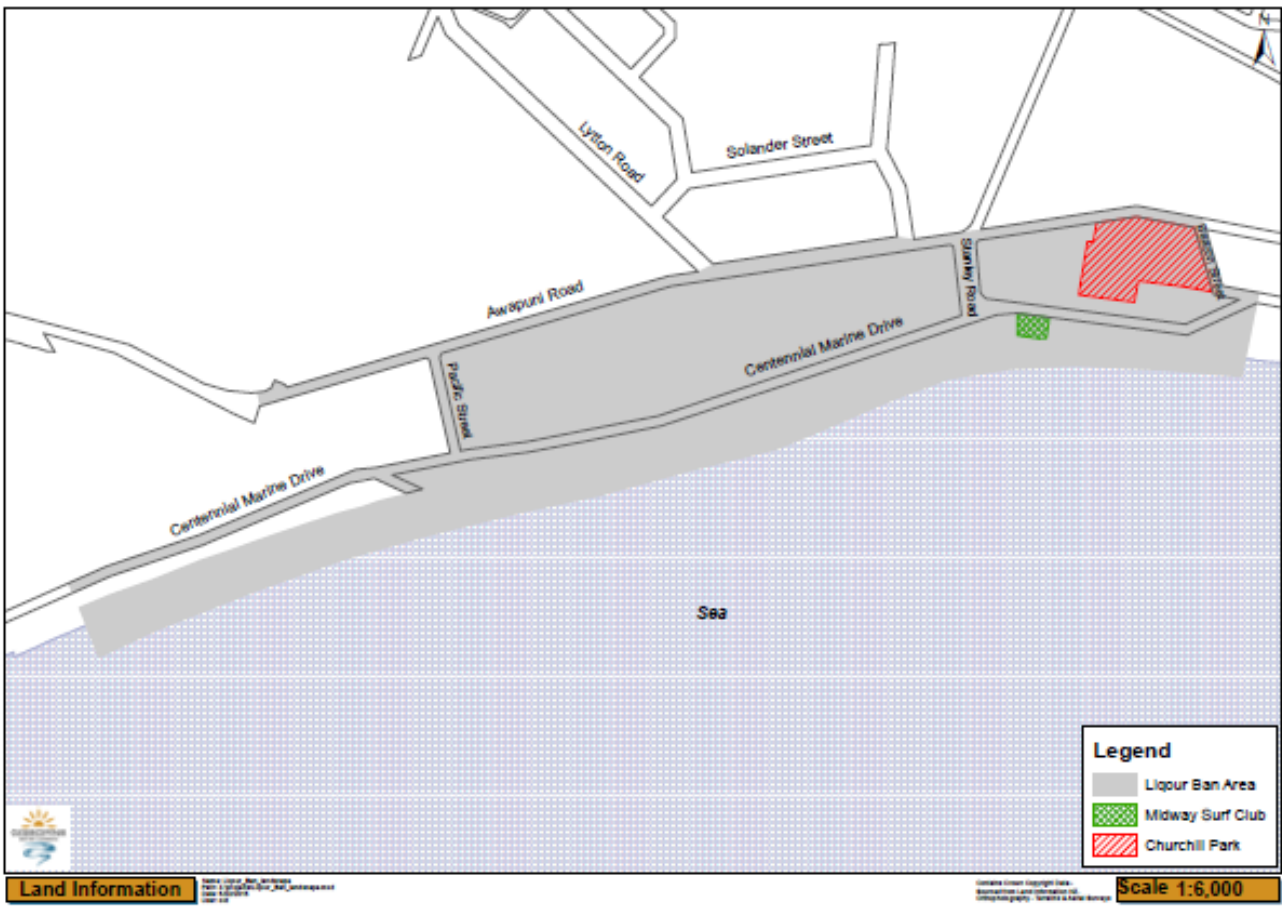
## Restricted Areas

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, foot path, carpark and reserve within the area and for the times specified below:

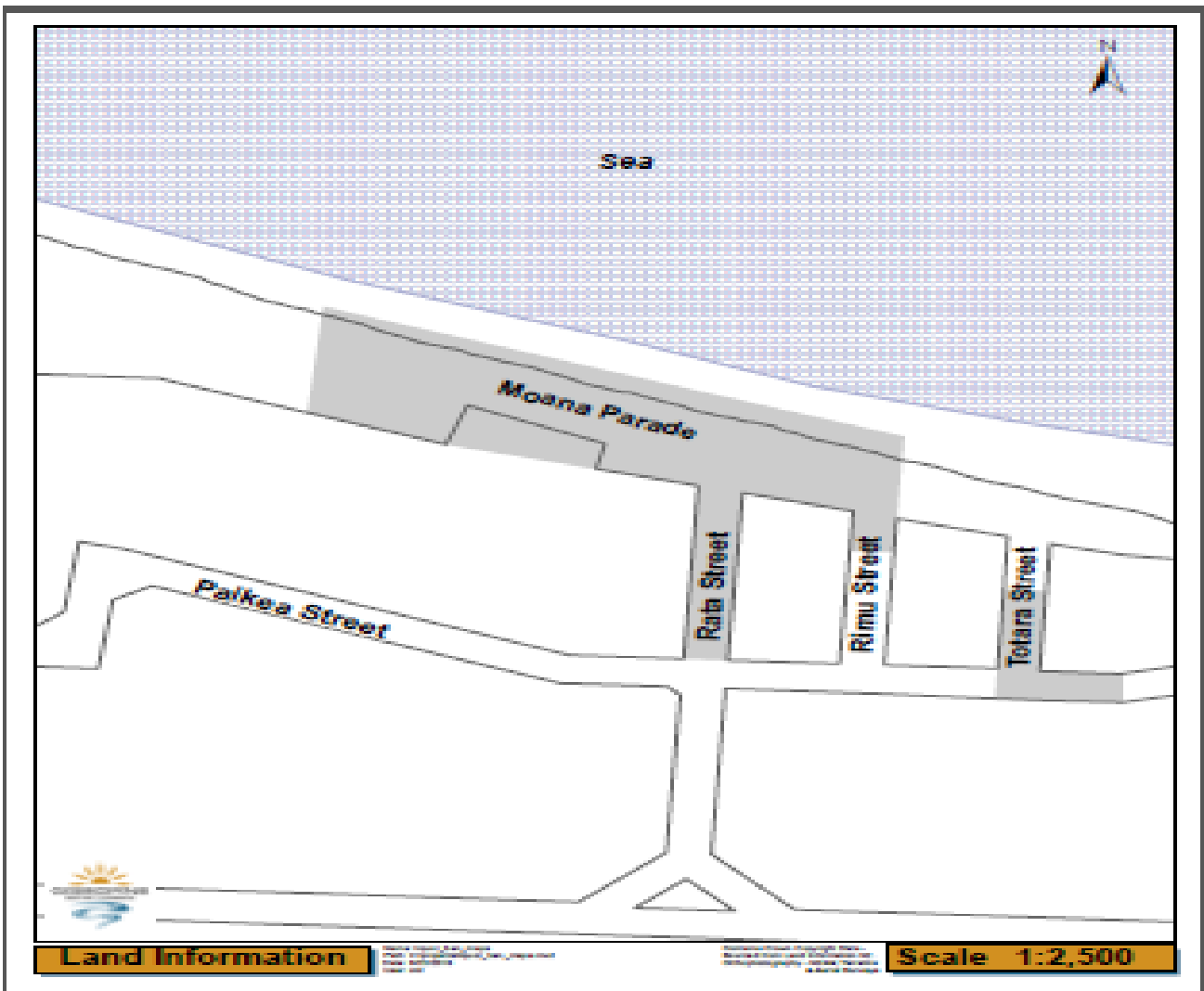
AREA	DETAILS	TIMES
Gisborne City	Area bounded by and inclusive of: <ul style="list-style-type: none"> <li>• Roebuck Road,</li> <li>• Taruheru River (southern bank),</li> <li>• Turanganui River (western bank) and</li> <li>• Waikanae Creek (northern bank)</li> </ul> and as detailed in the map below	At all times



AREA	DETAILS	TIMES
Midway, Gisborne City	<p>Area bounded by and inclusive of:</p> <ul style="list-style-type: none"> <li>• Awapuni Road (from Beacon Street to Pacific Street),</li> <li>• Centennial Marine Drive (inclusive of beach front) from Salisbury Road to the Beacon)</li> </ul> <p>Together with all Council reserves and land contained and detailed in the map below but excluding the areas identified as excluded on the map.</p>	<p><b>From 8am (0800 hours) 27 December to 6pm (1800 hours) on 1 January in any year.</b></p>

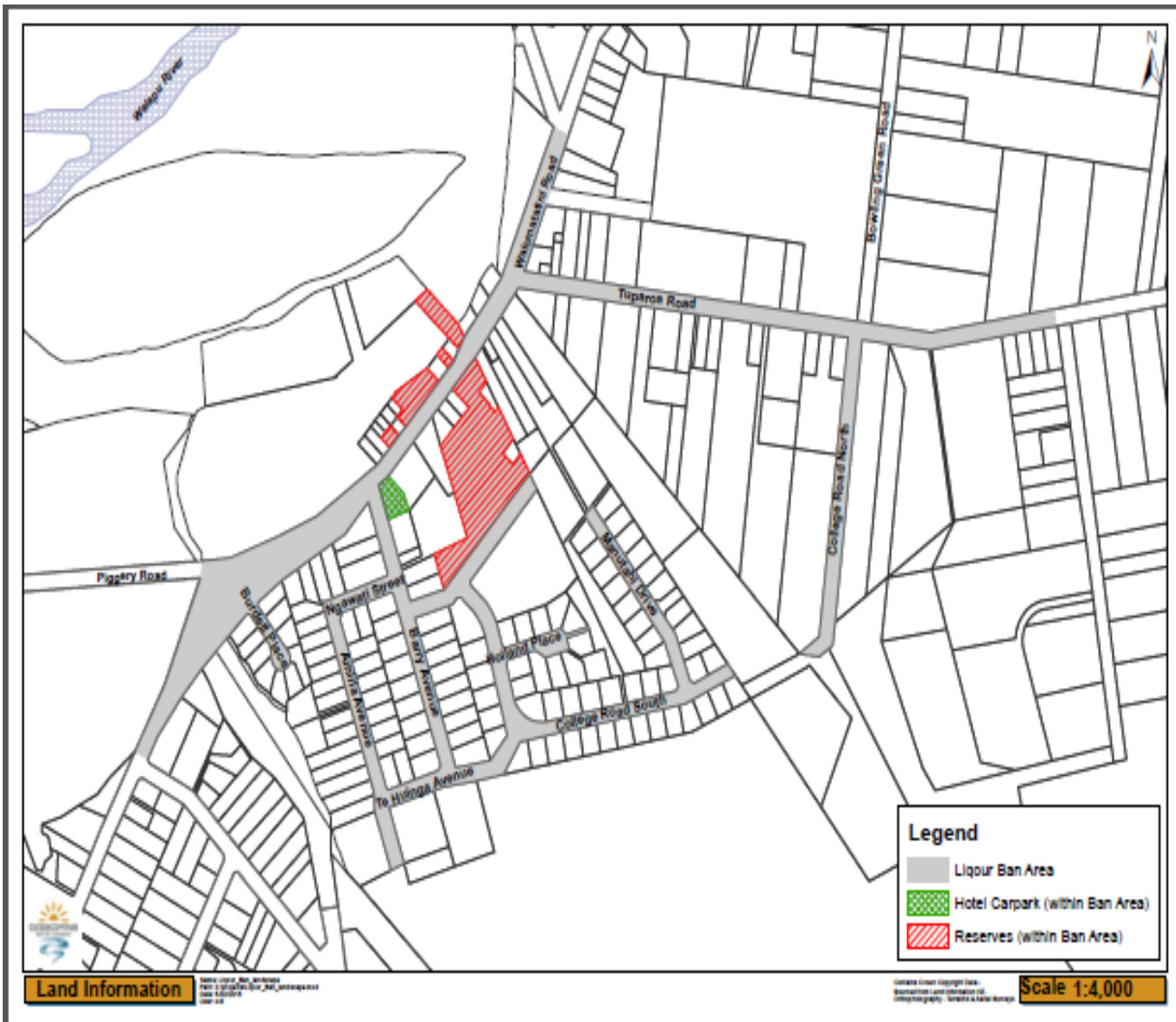


AREA	DETAILS	TIMES
Te Araroa	All areas contained within: <ul style="list-style-type: none"> <li>• Former Airstrip (part)</li> <li>• Moana Parade (middle)</li> <li>• Rata Street and Rimu Streets (lower ends),</li> <li>• Totara/Paikea Streets in vicinity of Matakaoa RSA and as detailed in the map below</li> </ul>	<b>For the period from Noon (1200 hours) Thursday to 7am (0700 hours) Monday</b>





AREA	DETAILS	TIMES
Ruatoria	The areas Amiria Avenue, Barry Avenue, Burdett Place, College Road (North and South), Hekiera Avenue, 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 McClutchie Road), Waiomatatini Road (from Mangahari Road to Fire Station Road) and all public places adjoining these roads including Ruatoria hotel car park and all Council controlled reserves and as detailed in the map below	<b>For the period from noon (1200 hours) Thursdays to 7am (0700 hours) Mondays</b>



AREA	DETAILS	TIMES
Tolaga bay	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) and as detailed in the map below	<b>For the period from noon (1200 hours) Thursdays to 7am (0700 hours) Mondays</b>

