

CHATHAM ISLANDS COUNCIL CONTROL OF ALCOHOL IN PUBLIC PLACES BYLAW 2018

The Local Government Act 2002 allows the Council to prohibit the consumption of alcohol for the purpose of minimising the potential for offensive behaviour in public places. This bylaw is made pursuant to Section 147 of the Local Government Act 2002.

1. Title, Purpose and Commencement

This bylaw shall be known as the Chatham Islands Council Control of Alcohol in Public Places Bylaw 2018 and is made for the control of alcohol consumption in public places in and around Waitangi and Te One as shown on the attached map.

The bylaw includes a process to obtain prior written permission from the Council to authorise activities that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

This bylaw shall come into force on 1 December 2018.

2. Acts Prohibited

The following acts are prohibited in the places, described in Schedule A, during the specified days and times listed in Schedule B.

- 2.1 The consumption of alcohol in a public place**
- 2.2 The possession of alcohol in a public place**
- 2.3 The bringing of alcohol in a public place**
- 2.4 Consumption of alcohol in a vehicle in a public place**

3. Interpretation

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.

- 3.1 Offence means an offence under section 239 of the Local Government Act 2002 for breach of this bylaw**
- 3.2 Public Place means a place –**
 - 3.2.1 That is under the control of Council; and**
 - 3.2.2 That is open to or is being used by the public, whether or not there is a charge for admission; and includes**
 - 3.2.3 A road, whether or not the road is under the control of Council; and**
 - 3.2.4 Any part of a public place**
 - 3.2.5 Has the meaning given by Section 147 of the Local Government Act 2002**

3.2.6 Council means the Chatham Islands Council

4. Council Permission

- 4.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw**
- 4.2 The process for obtaining the Council's permission will be via the completion of the application form attached as Schedule C.**

5. Exemptions

- 5.1 This bylaw does not prohibit in the case of alcohol, in an unopened bottle or container,**
 - 5.1.1 the transport of that liquor from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell liquor on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place:**
 - 5.1.2 the transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012**
 - 5.1.3 the transport of that alcohol from outside a public place to premises that adjoin a public place-**
 - 5.1.3.1 by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or**
 - 5.1.3.2 from those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.**
- 5.2 This bylaw does not apply where the sale or consumption of alcohol is authorised by any license granted under the Sale and Supply of Alcohol Act 2012 or any other exemption approved by Council for specific public or civic events.**

6. Enforcement – Powers of arrest, search and seizure

A member of the police may, without warrant,

- 6.1 For the purpose of ascertaining whether alcohol is present, search –**

Chatham Islands Control of Alcohol in Public Places Bylaw 2018

Schedule A – Prohibited Places

All public places within the area shown on the maps

- 1) Waitangi Township**
- 2) All public road reserves including paper roads reserves through, in and around Waitangi**

Schedule B – Prohibited Times

All public places and within the area shown on the maps and described in Schedule A between 4.00 p.m. and 8.00 a.m.

SCHEDULE C

Application Form – Bylaw Exemption

Name of Applicant.

If a club, society, or organisation – Name of the person responsible for this application.

Describe the event or purpose for requesting this exemption

What area is to be subject to this exemption?

Which days/times will the exemption apply to?

Signed

Applicant

Extract from the Minutes of the Ordinary Council Meeting Held 15 November 2012

6.3 Proposed Liquor Ban Bylaw

A special Meeting was held on Thursday 4 October 2012 to hear submissions received to the draft Chatham Islands Council Liquor Ban Bylaw.

After listening to submitters, Council decided to reduce the Liquor Ban Bylaw area.

RESOLVED THAT the Chatham Islands Council Liquor Ban Bylaw be adopted.

N J Whaitiri/J I Clarke CARRIED

Cr D Whaitiri asked if there was a cost involved in applying for an exemption. The General Manager advised there was no fee.

His Worship thanked the Councillors for the way in which they conducted themselves during the process.

Cr Day asked if a better map could be provided for the actual legal document. The General Manager advised that a better map would be made available.