



## Alcohol Control Bylaw 2018

Governing body of the Far North District Council made Bylaw by Resolution in Council on 13 December 2018.

Bylaw made under section 147 of the Local Government Act 2002.

Bylaw was reviewed on 16 November 2023.

The governing body of the Council agreed Bylaw should continue without amendment on 14 March 2024.

Bylaw is due for review by 16 November 2033.

## 1. Title

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This bylaw is the Alcohol Control Bylaw 2018.

## 2. Commencement

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19 December 2018.

## 3. Application

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This bylaw applies to the Far North District.

# Part 1 – Preliminary Provisions

## 4. Purpose

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The purpose of this bylaw is to provide for the prohibition and control of the consumption or possession of alcohol in public places (including vehicles in public places) to reduce alcohol related harm.

*Explanatory notes:*

*The provisions of the Act provide explicit details about what this type of bylaw can control. Generally, any transporting of alcohol in unopened containers within an alcohol control area is permitted, subject to certain conditions. See section 147 of the Act for further details.*

*Alcohol control areas do not apply to licensed premises, which can include situations where a special license has been issued for a specific event. Licensed premises can include areas of public places such as footpaths.*

*Under the Act, only constables (New Zealand Police Officers) can take enforcement action under this Bylaw. Constables have powers of arrest, search and seizure under the Act and they can issue infringement notices.*

## 5. Interpretation

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5.1 Any word used in this Bylaw that is defined in section 5, 147, 169, 169A and 243 of the Act, or section 5 of the Sale and Supply of Alcohol Act 2012 has, for the purposes of this Bylaw, the same meaning as in those sections, unless otherwise provided for in this clause.

5.2 In this Bylaw, unless the context otherwise requires -

**Act** means the Local Government Act 2002

**Council** means the Far North District Council.

**Far North District** means the area within the boundaries under the territorial authority of the Far North District and includes all coastal areas to the line of mean low water springs.

5.3 Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

5.4 The Interpretation Act 1999 applies to this Bylaw.

## Part 2 – Control of Alcohol

### 6. Alcohol control areas

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- 6.1 Council may, by resolution, declare alcohol control areas in which the consumption, bringing in, and possession of alcohol in public places is prohibited or controlled.
- 6.2 Any resolution made under clause 6.1 must also:
- (a) include a map of the alcohol control area;
  - (b) specify the time(s) that any prohibition or control applies, and whether the alcohol control area is permanent or temporary;
  - (c) if consumption, bringing in, and possession of alcohol is controlled rather than prohibited, specify the nature of the control.
- 6.3 No person shall consume, bring into, or possess alcohol in any public place (including inside a vehicle) in an alcohol control area that contravenes a resolution made under clauses 6.1 and 6.2.
- 6.4 Clause 6.3 does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under clause 12.1.

*Explanatory note: As at 01 April 2014, The Act defines a public place for the purposes of an alcohol control area as:*

*“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 does not include licensed premises.”*

### 7. Permanent alcohol control areas

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- 7.1 Council may under clause 6.1 declare an area to be a permanent alcohol control area at all times; or for specified, repeated periods of time.
- 7.2 Council will consult in accordance with section 82 of the Act on any proposal to declare, amend or revoke a permanent alcohol control area.

*Explanatory note: All resolutions of Council declaring alcohol control areas are contained within the additional information for the Alcohol Control Bylaw 2018 - Register of Resolutions, attached to this Bylaw.*

### 8. Temporary alcohol control areas

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- 8.1 Council may under clause 6.1 declare an area to be a temporary alcohol control area for a specific period not exceeding seven consecutive days.

- 8.2 Council will give public notice of a temporary alcohol control area at least 14 days before the temporary alcohol control area comes into force.

## 9. Matters to be considered before declaring alcohol control areas

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- 9.1 Before declaring a permanent alcohol control area the Council:

- (a) must consider views presented to the Council through consultation on the proposal to declare a permanent alcohol control area;
- (b) must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
- (c) may consider any other matter it considers relevant.

*Explanatory note: Sections 147A and 147B of the Act are outlined in Section 3 of the Additional Information to this Bylaw.*

- 9.2 Before declaring a temporary alcohol control area the Council:

- (a) must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
- (b) where the temporary alcohol control area applies to an event:
  - i) may consider the nature and type of the event
  - ii) the history (if any) of the event
  - iii) the number of people expected to attend the event
  - iv) the area in which the event is to be held
  - v) whether the Police support the proposed temporary alcohol control area, and whether the Police will be present at the event to enforce it
- (c) may consider any other information it considers relevant.

*Explanatory note: Records of resolutions made for temporary alcohol controls will not be included in the 'register of resolutions' but are permanently recorded through the appropriate Council records of meetings, minutes and resolutions.*

## Part 4: Enforcement Powers

### 10. Enforcement

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- 10.1 A constable may use their powers under the Act to enforce this Bylaw.
- 10.2 This Bylaw authorises a constable to exercise the power of search under sections 169(2)(a) and 170(2) of the Act for temporary alcohol areas declared in accordance with clauses 6 and 8.

*Explanatory note: Section 170(2) provides constables with additional powers of search in relation to temporary alcohol controls that have been notified and indicated by signs in accordance with section 170(3) of the Act.*

## Part 5: Offences and Penalties

### 11. Bylaw breaches

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

*Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol bylaw is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.*

## Part 6: Exceptions

### 12. Exceptions

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- 12.1 Council may, issue a consent to any person, or class of persons, to allow the consumption, bringing in and possession of alcohol in a public place (including inside a vehicle) within an alcohol control area.
- 12.2 In considering an application for a consent under clause 12.1, Council will consider the following matters:
  - (a) the purpose of the exception
  - (b) the proposed duration of the exception
  - (c) the area of the proposed exception
  - (d) whether the area is under the control of, or managed by, Council
  - (e) whether any other permits are required from Council for the event
  - (f) Any other matter Council considers relevant.
- 12.3 Council may prescribe conditions for any such consent, including, but not limited to:
  - (a) the duration of the consent
  - (b) the exact location to which the consent applies
  - (c) the maximum number of people the consent applies to.
- 12.4 Council may by resolution made after consultation that gives effect to the requirements of section 82 of the Act:
  - (a) prescribe a fee for receiving and processing an application and issuing a consent
  - (b) determine situations when consent fees may be remitted, refunded or waived.
- 12.5 A consent may be cancelled by Council at any time.

*Explanatory note: Exceptions for events with special licences do not require consent under clause 12.1, as they are excluded from the definition of public places that applies to this Bylaw.*

## Additional information to Alcohol Control Bylaw 2018

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

### Section 1: History of the bylaw

Action	Description	Date of decision	Commencement
Expire	Public Places Liquor Control Bylaw 2003 expires in accordance with Local Government (Alcohol Reform) Amendment Act 2012	13 December 2018	18 December 2018
Make	Alcohol Control Bylaw 2018	13 December 2018	19 December 2018

### Section 2: Related documents

Document	Description	Location	Date
<i>Reports to Council/Committee/Panels</i>			
Adoption of Statement of Proposal	Statement of Proposal including draft Bylaw adoption for public consultation	<a href="#">Statement of Proposal</a>	30 August 2018
Submissions	Public submissions on the Statement of Proposal	<a href="#">Submissions</a>	8 September – 8 October 2018
Deliberations	Deliberations on submission issues raised	<a href="#">Deliberations</a>	27 November 2018
Making of Bylaw	Council makes final Bylaw	<a href="#">Adoption</a>	13 December 2018

Document	Description	Location	Date
<i>Legislation</i>			
Local Government Act 2002	Provides the functions, duties, powers and penalties to make and enforce this Bylaw. Particularly sections 147A and 147B relating to the making of alcohol control bylaws.	www.legislation.govt.nz	NA
Sale and Supply of Alcohol Act 2012	Associated legislation	www.legislation.govt.nz	NA
Local Government (Alcohol Ban Breaches) Regulations 2013	Regulations that determines the infringement fee for breaching an alcohol ban	www.legislation.govt.nz	NA
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	www.legislation.govt.nz	NA
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	www.legislation.govt.nz	NA

### Section 3: Delegations

Clause	Function, Duty, Power to be delegated	Delegated Authority	Delegation date	Delegation active date
All	All of its responsibilities, duties and powers under this bylaw, except - (a) the power to set fees (b) the power to make a decision for which a Council resolution is required (c) the power to hear and decided on any appeal process	Chief Executive	13 December 2018	19 December 2018

### Section 4: Enforcement powers

Legislative provision	Description
Section 169 and 170 of the Local Government Act 2002	A constable has powers of arrest, search and seizure in relation to alcohol controls.

### Section 5: Offences and penalties

Provision	Description of offence	Maximum fine upon conviction	Infringement fee
cl 4*	Breach of bylaw	n/a	\$250*

\*Local Government (Alcohol Ban Breaches) Regulations 2013

### Section 6: Register of resolutions for permanent alcohol controls

General location description	Map number	Operative time	Decision date	Commencement date
Ahipara	1	24 hours, 7 days a week	13/12/2018	19/12/2018
Coopers Beach Reserve	2	24 hours, 7 days a week	13/12/2018	19/12/2018
Haruru Falls	3	24 hours, 7 days a week	13/12/2018	19/12/2018
Hihi Beach	4	7 days a week from 10pm to 10am except New Years Eve	13/12/2018	19/12/2018
Kaero	5	24 hours, 7 days a week	13/12/2018	19/12/2018
Kaikohe	6	24 hours, 7 days a week	13/12/2018	19/12/2018
Kaitia	7	24 hours, 7 days a week	13/12/2018	19/12/2018
Kawakawa	8	24 hours, 7 days a week	13/12/2018	19/12/2018
Kerikeri	9	24 hours, 7 days a week	13/12/2018	19/12/2018
Kohukohu	10	24 hours, 7 days a week	13/12/2018	19/12/2018
Lily Pond	11	24 hours, 1 December – 31 January	13/12/2018	19/12/2018

<b>General location description</b>	<b>Map number</b>	<b>Operative time</b>	<b>Decision date</b>	<b>Commencement date</b>
Moerewa	12	24 hours, 7 days a week	13/12/2018	19/12/2018
Okaihau	13	24 hours, 7 days a week	13/12/2018	19/12/2018
Omapere	14	24 hours, 7 days a week	13/12/2018	19/12/2018
Opononi	15	24 hours, 7 days a week	13/12/2018	19/12/2018
Paihia	16	24 hours, 7 days a week	13/12/2018	19/12/2018
Pukenui	17	24 hours, 7 days a week	13/12/2018	19/12/2018
Rawene	18	24 hours, 7 days a week	13/12/2018	19/12/2018
Russell	19	24 hours, 7 days a week	13/12/2018	19/12/2018
Taipa	20	24 hours, 7 days a week	13/12/2018	19/12/2018
Taupo Bay	21	24 hours, 7 days a week	13/12/2018	19/12/2018
Tokerau Beach	22	24 hours, 1 December – 31 January	13/12/2018	19/12/2018
Waipapa	23	24 hours, 7 days a week	13/12/2018	19/12/2018