



Have your  
**Say!**

# Draft Alcohol Control Bylaw

## *Our Place: Our District*

We are reviewing our Alcohol Control Bylaw.

This booklet includes a summary of our proposed changes, the full draft bylaw, and a submission form for your feedback on whether you agree or disagree with the changes.

**We are accepting feedback until 5pm, Sunday 16 April 2023.**



# Introduction

**We are reviewing our current Alcohol Control Bylaw and want to hear your feedback on the changes we are proposing to make.**

In 2018 we developed an Alcohol Control Bylaw to prohibit the consumption and possession of alcohol in some public places during certain hours. This function was previously regulated under the Public Places Bylaw, but we felt it would provide greater clarity for the community and users of the Bylaw, such as the Police, if a separate Bylaw was developed.

Following research, discussions with stakeholders and public consultation, an Alcohol Control Bylaw was developed and adopted by Council on 17 May 2018.

It is now time to review the bylaw and we are keen to hear your thoughts.

*Have your*  
**Say!**



***We want  
to hear  
from YOU!***

**Tell us what you think of  
our proposed changes at**

**[ashburtondc.govt.nz/haveyoursay](http://ashburtondc.govt.nz/haveyoursay)**



# The details



## Why do we need a bylaw?

The bylaw covers matters such as areas where alcohol is banned for consumption and the time in which these bans occur. The goal of the bylaw is to protect, promote and maintain public health and safety, balancing regulatory control with the rights of residents to enjoy alcoholic beverages in public places.

We feel the bylaw works well and have received positive feedback from our stakeholders, indicating it helps in preventing a lot of alcohol-related offensive behaviour, damage, and crime in the Alcohol Ban Areas.

The full Draft Alcohol Control Bylaw is included in this consultation document from page 11.

## What are we proposing?

We believe that most of the issues addressed by the current bylaw remain current and appropriate for the district today and in the foreseeable future. Because of this, we are not proposing any changes to the wording in the bylaw.

We are proposing to update the current Alcohol Control Ban Areas in both Ashburton and Methven.

# Proposed changes to the bylaw

## Key change one

## Expand the Alcohol Ban Area in Ashburton

We are proposing to expand the Alcohol Ban Area in Ashburton by adding three blocks.

### WHY?

The town is growing, and we recommend for the Alcohol Ban Areas to grow with it. There are newly developed areas outside the current borders of the Alcohol Ban Area where there will be multiple alcohol licensed premises close to one another. Experience has shown that when there is a large carpark close to licensed premises, like restaurants and cafes, the area is likely to be prone to alcohol related incidents.

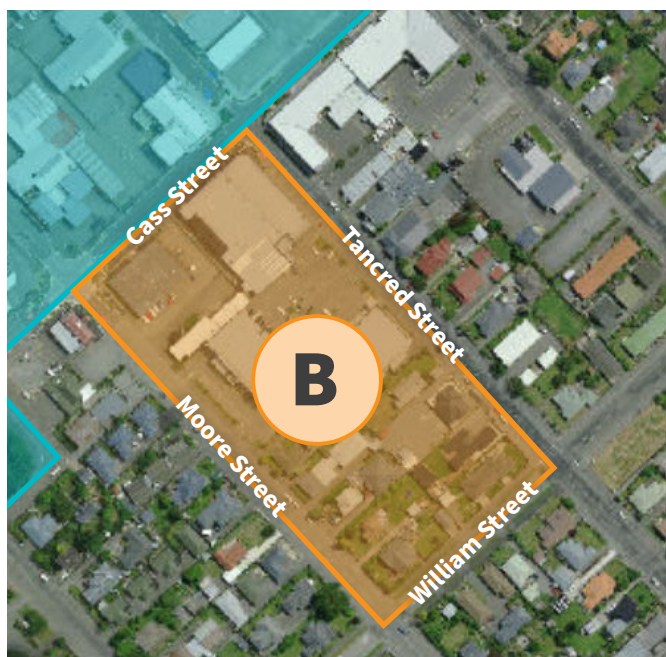
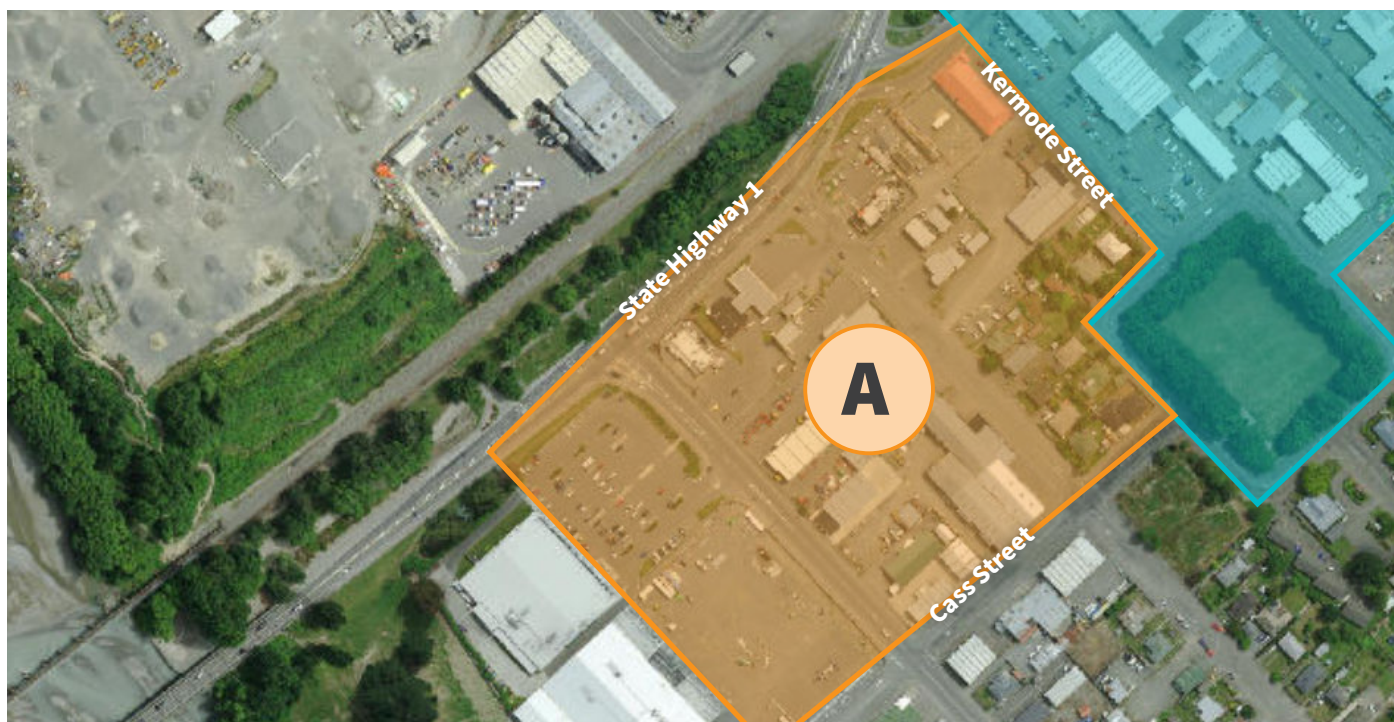
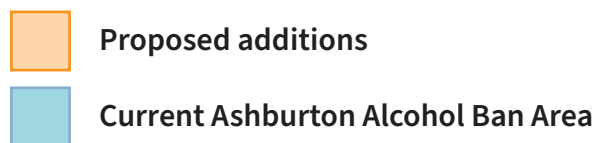


The next standard review of the bylaw is scheduled in 10 years' time. The proposed areas consider potential future developments.

We are proposing to expand the current Alcohol Ban Areas with the following sections:

- **Block A:** Add the new developed area as per the map (in between the SH1, Dobson Street and Cass Street). There are currently four new alcohol licences allocated in this area and potentially more to be added.
- **Block B:** Add the block as per the map (in between Cass Street, Tancred Street, William Street and Moore Street).
- **Block C:** Add the block as per the map (in between East Street, Peter Street, Cass Street and Wills Street).





View a map of the full proposed Ashburton Alcohol Ban Area on page 16.



# Proposed changes to the bylaw

## Key change two **Expand the Alcohol Ban Area in Methven**

We are proposing to add a small section to the Alcohol Ban Area in Methven by adding the loop of Mackie Street connecting Methven Chertsey Road.

### WHY?

The current area cuts between Mackie Street and Methven Chertsey Road through property boundaries. This makes it difficult to identify the boundaries of the area, and so we are suggesting using the actual street as the boundary. This would mean the Alcohol Ban Area follows Mackie Street as it connects to Methven Chertsey Road.



Have a look at the maps on pages 16 - 17 of this consultation document to see where these sites are located.



### What do you think?

Let us know using the provided feedback form or online at [ashburtondc.govt.nz/haveyoursay](https://ashburtondc.govt.nz/haveyoursay)

**We are accepting feedback until  
5pm, Sunday 16 April 2023.**

*Have your  
**Say!***



-  Proposed additions
-  Current Methven Alcohol Ban Area



View a map of the full proposed Methven Alcohol Ban Area on page 17.



# Options considered

## OPTION ONE

### No change to the bylaw

#### Advantages

- Issues and areas that are currently regulated continue to be regulated

#### Disadvantages

- Current and potential future areas that were identified during officer review and pre-consultation with stakeholders will not be included.

## OPTION TWO

### Adopt the proposed bylaw

#### Advantages

- Recent and potential future Ashburton developments are reflected in the bylaw.

#### Disadvantages

- It provides more restriction on the freedoms of citizens, although it reduces the risk of negative behaviour such as alcohol container littering and public disorder.

**PREFERRED  
OPTION**

Tell us what you think of  
our proposed changes at  
[ashburtondc.govt.nz/haveyoursay](https://ashburtondc.govt.nz/haveyoursay)

*Have your*  
**Say!**

## OPTION THREE

### Revoke the Alcohol Control Bylaw

#### Advantages

- Community could perceive Council as less restrictive on personal rights and freedoms.

#### Disadvantages

- No controls on the consumption of alcohol in public places potentially leading to a number of negative effects.
- Potential increase in crime particularly in areas prone to incidents in the Ashburton and Methven CBD.
- Potential public safety implications (including residents and visitors feeling unsafe).
- Potential violence and nuisance caused by glass in certain areas.







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## **Draft Alcohol Control Bylaw**

# Alcohol Control Bylaw

## 1. Title

The title of this bylaw is Ashburton District Council Alcohol Control Bylaw 2017.

## 2. Purpose

The purpose of this bylaw is, in relation to specified public places, to:

- reduce the potential for alcohol-related offensive behaviour and harm, damage, disorder and crime;
- protect, promote and maintain public health and safety; and
- provide controls on the consumption and possession of alcohol.

## 3. Related documents

- Ashburton District Council Local Alcohol Policy
- Ashburton District Council Open Spaces Bylaw
- Ashburton District Council Public Places Bylaw
- Ashburton District Plan
- Local Government Act 2002
- Local Government (Alcohol Ban Breaches) Regulations 2013
- New Zealand Bill of Rights Act 1990
- Sale and Supply of Alcohol Act 2012
- Summary Offences Act 1981
- Summary Proceedings Act 1957.

## 4. Contents

## 5. Application

This bylaw applies to public places in Ashburton District. Exclusions to the bylaw are set out in clause 9.

## 6. Definitions

Alcohol has the same meaning as section 5(1) of the Sale and Supply of Alcohol Act 2012 and 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
  - (ii) substances; and
  - (iii) (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.

**Alcohol Ban Area** means the public places described in the Schedules of this bylaw in which alcohol restrictions are in place permanently or for a specified period.

**Bylaw** means the Ashburton District Council Alcohol Control Bylaw..

**Container** means any object used for or capable of holding, transporting or storing items.

**Council** means Ashburton District Council.



## Alcohol Control Bylaw

**District** means the district of the Ashburton District Council.

**Drinking vessel** means a container used for or capable of holding, transporting or storing a liquid of any kind.

**Event** means an organised activity involving a group of people.

**Glass Ban Area** means the public areas described in Schedule 1 and Schedule 2 of this bylaw in which glass restrictions apply.

**Licensed premises** has the same meaning as section 5(1) of the Sale and Supply of Alcohol Act 2012 and means any premises for which a licence is held.

**Nuisance** means a person or thing causing inconvenience or annoyance.

**Offence** means an offence under section 239A of the Local Government Act 2002 that is a breach of this bylaw.

**Person** means a natural person, a corporation sole, or a body of persons whether incorporated or not.

**Public Place** has the same meaning as section 147(1) of the Local Government Act 2002. 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 a licensed premises.

**Special Licence** has the same meaning as section 22 of the Sale and Supply of Alcohol Act 2012 Special Licence:

There are two kinds of special licence: on-site

special licences and off-site special licences.

- (a) On the premises a special licence designated as an on-site special licence is held for, the licensee can sell and supply alcohol, for consumption there, to people attending an event described in it.
- (b) On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.

**Specified Period** means a period specified in a resolution passed for the purpose of this bylaw and in respect of which this bylaw prohibits or otherwise regulates or controls the consumption or possession of alcohol either generally or in respect of any specified public place.

**Specified Public Place** means a public place shown on the plans contained in Schedule 1 and Schedule 2 and such additional place as may be defined by the Council by resolution from time to time in accordance with clause 15.4 of this bylaw.

## 7. Permanent Alcohol Bans

- 7.1. A person must not (unless an exemption under clause 9 or 10 applies):
  - 7.1.1 consume alcohol in an Alcohol Ban Area;
  - 7.1.2 bring alcohol into an Alcohol Ban Area;
  - 7.1.3 possess alcohol in an Alcohol Ban Area;
  - 7.1.4 consume, bring or possess alcohol in a vehicle within an Alcohol Ban Area.



## Alcohol Control Bylaw

### 8. Temporary Alcohol Bans

- 8.1. In addition to clause 7, Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as Alcohol Ban Areas for a specified period relating to a specified event or a particular time of the year.
- 8.2. If a Temporary Alcohol Ban is issued, Council will publicly notify the ban at least 14 days prior to the date of enforcement. The details of the Temporary Alcohol Ban and the enforcement period will be made publicly available.

### 9. Exemptions

- 9.1. The alcohol restrictions in this bylaw do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:
- 9.1.1 any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by Council;
  - 9.1.2 the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the same licensed premises;
  - 9.1.3 any public place that is subject to a special licence, for the term of that licence;
  - 9.1.4 any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;

- 9.1.5 within defined areas at any event held in a public place at which alcohol is served under a caterer's licence under the Sale and Supply of Alcohol Act 2012.

**Explanatory note:** The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

*A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(4) of the Act, and are not restricted by this bylaw, including:*

- commercial deliveries to licensed premises
- carrying alcohol bought from an off-licence (eg liquor store)
- carrying alcohol to or from BYO licensed premises
- carrying alcohol to or from private residences.

*Some of these exemptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.*

*The exemption which applies to licensed vehicles does not extend to passengers who step out of the licensed vehicle within an Alcohol Ban Area, at which point they become subject to the bylaw and must comply with it.*

- 9.2 A person can apply in writing to Council for an exemption for an activity that would be in breach of this bylaw.



## Schedule 2

- 9.3 The bylaw does not apply to organised events in public places that Council by resolution has suspended the application of this bylaw between specified hours on any given day/s, in accordance with section 151 (2) of the Local Government Act 2002.

### 10. Special Licences

- 10.1. Nothing in this bylaw stops any individual or organisation (corporate or otherwise) from applying to the Council for a Special Licence for an event to be held in an Alcohol Ban Area.
- 10.2 Clause 7 (permanent alcohol bans) and Clause 8 (temporary bans) do not apply to alcohol sold, supplied or consumed within the area to which a Special Licence applies.

### 11. Amending Alcohol Bans

- 11.1. Council may amend or revoke an alcohol ban in accordance with the Local Government Act 2002. All amendments will be publicly notified at least 14 days before they date the effects of the amendments are to come into effect.
- 11.2 Council may amend Alcohol Ban Areas by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002.

### 12. Signage

- 12.1. Council must display signage indicating the location and extent of the Alcohol Ban Area using sufficient legible notices in conspicuous places on, or adjacent to, the place to which the notice relates, informing the public of the Alcohol Ban Area unless it is impracticable or unreasonable to do so. The absence of signage is not a defence against breach of this bylaw.

### 13. Powers of Police

- 13.1. As provided by section 169 and 243 of the Local Government Act 2002, a police constable is empowered to enforce this bylaw, and is authorised to:
- 13.1.1 search a vehicle or container entering or within an Alcohol Ban Area subject to requirements of section 170 of the Local Government Act 2002;
  - 13.1.2 seize and remove alcohol if the alcohol is in breach of this bylaw;
  - 13.1.3 issue an infringement notice for any breach of the bylaw and impose an infringement fee under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013; and
  - 13.1.4 arrest a person who has been asked and refused to either leave a public place or to surrender alcohol that is in breach of this bylaw.

## Schedule 2

**Explanatory note:** No warrant is required by the Police to conduct a search to ascertain whether Alcohol is present in a container or Vehicle that is in or entering an Alcohol Ban Area.

*In addition to their general powers, under Sections 169 and 170 of the Local Government Act 2002 any member of the New Zealand Police may exercise the power under Section 170(2) of that Act (to search a container or vehicle without further notice) in a Specified Public Place on such specified dates as may be notified by the Council from time to time in accordance with the requirements in s.170 of the Local Government Act 2002.*

### 14. Glass vessels in Glass Ban Areas

- 14.1. No person shall have in his or her possession, at any time, any glass drinking vessel or container in any Glass Ban Area, as detailed in Schedule 1 and 2.
- 14.2. Council may declare additional areas as Glass Ban Areas by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002

### 15. Designation of Specified Public Places and Specified Periods

- 15.1. Specified Public Places are initially those areas described in the Schedule 1 and 2 of this bylaw, and referred to as Alcohol Ban Areas in this bylaw or otherwise known by the term “restricted place” as defined in s.169(1) of the Local Government Act 2002.

- 15.2. Council may declare additional areas as Specified Public Places by resolution as provided for in section 151(2) of the Local Government Act 2002. These areas will be publicly notified as per the requirements in the Local Government Act 2002.
- 15.3. Specified Periods are:
  - 15.3.1 in relation to Alcohol Ban Areas during the period from 9:00pm on any day to 7:00am the following day; and
  - 15.3.2 in relation to Glass Ban Areas 24 hours a day, 7 days a week; and
  - 15.3.3 during Labour Weekend each year the Labour Weekend Alcohol & Glass Ban Area shown on Schedule 2 of this bylaw, during the period from 9:00pm on the Saturday until 7:00am on the following Monday; and
  - 15.3.4 any additional period that may be specified by the Council by resolution from time to time in accordance with Clause 15.4 of this bylaw.
- 15.4. Council may declare additional periods as Specified Periods by resolution as provided for in section 151(2) of the Local Government Act 2002. These periods will be publicly notified as per the requirements in the Local Government Act 2002.

### 16. Offences and Penalties

- 16.1. The penalty for breaching an alcohol ban is an infringement fee of \$250.00 as per the Local Government (Alcohol Ban Breaches) Regulations 2013.

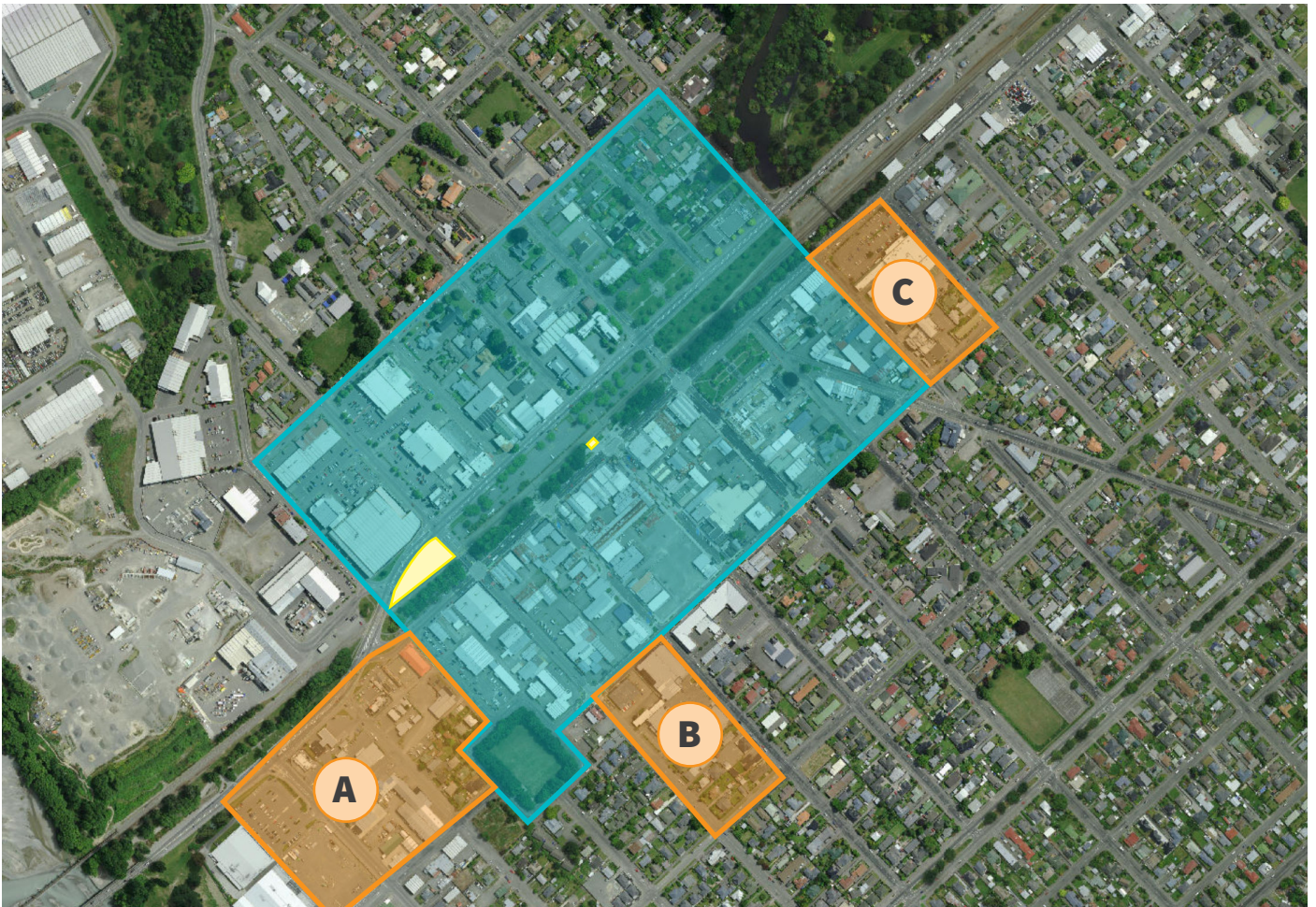





## Schedule 1

# Ashburton

## Proposed new Alcohol Ban Area

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-  Alcohol ban area
-  Proposed addition to Ashburton Alcohol Ban Area
-  Glass ban area







## Schedule 2

# Methven

## Proposed new Alcohol Ban Area



-  Alcohol ban area
-  Proposed addition to Methven Alcohol Ban Area
-  Glass ban area
-  Labour weekend alcohol & glass ban area



# What happens next?

## Project Timeline



**We are accepting feedback until 5pm, Sunday 16 April 2023.**

***We want to hear from YOU!***

**The easiest way to provide your feedback is to complete the form online at [ashburtondc.govt.nz](https://ashburtondc.govt.nz)**

Alternatively, you can provide feedback by filling in the attached submission form and getting it back to us using one of the following methods:



**FREEPOST TO**

Ashburton District Council  
Freepost 230444  
PO Box 94  
Ashburton 7740



**ONLINE AT**

[ashburtondc.govt.nz/haveyoursay](https://ashburtondc.govt.nz/haveyoursay)



**IN PERSON**

Dropping it off at:  
Ashburton District Council reception –  
5 Baring Square West



**EMAIL TO**

[submissions@adc.govt.nz](mailto:submissions@adc.govt.nz)

# Your feedback

Have your  
**Say!**

## Draft Alcohol Control Bylaw

### Consultation Document

You can submit on any or all of the questions below. You don't have to complete every question.

**1** Do you agree or disagree to add block A (as per the map) to the Ashburton Alcohol Ban Area?

☐

Agree

☐

Disagree

Comments:

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**2** Do you agree or disagree to add block B (as per the map) to the Ashburton Alcohol Ban Area?

☐

Agree

☐

Disagree

Comments:

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### Your details

FOLD HERE

Name: 

---

Organisation (if appropriate): 

---

Address: 

---

Phone: 

---

 Email: 

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### Do you wish to speak in support of your submission at the hearing?

(If no boxes are ticked, it will be considered that you do not wish to be heard)

☐

**Yes:** The hearing is expected to be held in the Council Chamber on **Thursday 4 May 2023**. Please note that hearings are live-streamed to our online channels.

☐

**No:** I do not wish to speak in support of my submission and ask that my written submission be fully considered.

If yes, do you wish to present: ☐ In Person ☐ Virtually



# Draft Alcohol Control Bylaw

## [ashburtondc.govt.nz/haveyoursay](http://ashburtondc.govt.nz/haveyoursay)

You can submit on any or all of the questions below. You don't have to complete every question.

**3 Do you agree or disagree to add block C (as per the map) to the Ashburton Alcohol Ban Area?**

☐

Agree

☐

Disagree

Comments:

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**4 Do you agree or disagree to add the area of Mackie street connecting to Methven Chertsey Road (as per the map in the consultation document) to the Alcohol Ban Area in Methven?**

☐

Agree

☐

Disagree

Comments:

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**5 Do you have any other comments?**

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*Submissions must be received by 5pm, Sunday 16 April 2023.*

*Please note all submissions are public documents and will be made available on Council's website with the names of submitters included. Submissions presented in the form of a petition or accompanied by multiple signatures will be processed as a single submission.*

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**Ashburton**  
DISTRICT COUNCIL  
FreePost Authority 230444

**Free** 



Ashburton District Council  
PO Box 94  
Ashburton 7740