Howick Local Board

OPEN ATTACHMENTS

ATTACHMENTS UNDER SEPARATE COVER

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Helping to protect the public

Reducing alcohol-related crime and disorder

Enabling alcohol bans to be made that prohibit alcohol in certain public places where crime or disorder is caused or made worse by alcohol consumed there

Statement of Proposal to amend the Auckland Council Alcohol Control Bylaw 2014. Public consultation takes place from [date] to [date].

Auckland Council
Te Kāhui o Tamaki Makaurau
1 Have your say

Helping to protect the public

Aucklanders drink alcohol in public places every day, for example at a family picnic, licensed venue or concert. Most people drink responsibly and without having any negative impact on others.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

How Auckland Council keeps you safe

We use a bylaw to enable us to make alcohol bans that prohibit alcohol in certain public places (for example a park).

The current ability to make alcohol bans is included in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarārata Waipiro 2014 / Auckland Council Alcohol Control Bylaw 2014.

Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

We propose changes to the Bylaw that would:

- make new event-based temporary alcohol bans for major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and the Auckland Domain in the Bylaw
- use related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, and to clarify council’s ability to make temporary alcohol bans
- make the Bylaw wording easier to read and understand.

Other key aspects of the current Bylaw and its implementation will remain unchanged, for example:

- all local boards, the Auckland Domain Committee and the Regulatory Committee will continue to have delegated authority to make alcohol bans
- no changes to current alcohol bans (except for the event-based temporary alcohol bans above).

We want to know what you think

Starting on [date] through to [date], we want you to tell us what you think about the proposed amendments to the Auckland Council Alcohol Control Bylaw 2014.

Visit www.aucklandcouncil.govt.nz/have-your-say for more information, to give your feedback and to find out where you can drop in to a ‘have your say’ event.
What is the Bylaw

The Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakararata Waipiro 2014, Auckland Council Alcohol Control Bylaw 2014, was made on 30 October 2014.

The purpose of the Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. The Bylaw seeks to achieve this by enabling council to make alcohol bans that prohibit alcohol in those public places (including in a vehicle).

Alcohol Control Bylaw 2014 framework
3 What council proposes to change

Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

Council is proposing to better reduce alcohol-related crime and disorder in public places by making amendments to the Alcohol Control Bylaw 2014. The proposed amendments are listed below.

<table>
<thead>
<tr>
<th>Proposals</th>
<th>Reasons for proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Make new event-based temporary alcohol bans for all major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and Auckland Domain in the Bylaw.</td>
<td>Including new event-based temporary alcohol bans made in the Bylaw:</td>
</tr>
<tr>
<td>• The new event-based temporary alcohol bans will replace existing event-based temporary alcohol bans made by resolution(^1) for Mount Smart Stadium, Eden Park and Auckland Domain for ‘Christmas in the Park’ and the Lantern Festival. Changes to these existing resolutions would:</td>
<td>• more easily enables a preventative approach to alcohol-related crime or disorder at or near event venues used for major events</td>
</tr>
<tr>
<td></td>
<td>o for Mount Smart Stadium extend the ban to apply to all major events, not just concerts</td>
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<tr>
<td></td>
<td>o for Eden Park extend the ban to include Eden Park stadium, and two fan trails if they are activated as part of the event(^2)</td>
</tr>
<tr>
<td></td>
<td>o for Auckland Domain extend the ban to all major events (not just the Lantern Festival) and extend the times of the ban to start one hour earlier and finish one hour later.</td>
</tr>
<tr>
<td>The ban for the Auckland Domain ‘Christmas in the Park’ event would remain unchanged.</td>
<td>• removes time and cost to process individual requests for event-based temporary alcohol bans where:</td>
</tr>
<tr>
<td>• Replace with a related information note clauses about alcohol ban signage, and clauses about legislative decision-making criteria.</td>
<td>o the event venue has in the past, is currently, and will in the future be used for major events</td>
</tr>
<tr>
<td>• Clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, council’s ability to make temporary alcohol bans and Bylaw wording.</td>
<td>o a ban has been used in the past for major events at the event venue</td>
</tr>
</tbody>
</table>

The proposed amendments are intended to:

- create more consistent event-based temporary alcohol ban times and application.
- replace some clauses with related information notes and providing clarifications.

If you want to know more, Appendix A shows what the proposed amended Alcohol Control Bylaw would look like. Appendix B provides a copy of the existing Alcohol Control Bylaw 2014. Appendix C provides a summary of the differences between the existing and amended bylaw.

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\(^1\) MT/2017/144 (Mt Smart), AE/2015/119 (Eden Park), RBC/2015/41 and WTM/2016/110 (Christmas in the Park), ADC/2017/43 (Lantern Festival).

\(^2\) There are two Eden Park Fan Trails designed for fans to walk to Eden Park. One starts at Ponsonby Road (activated on ‘match days’) and one starts from Queen Elizabeth Square (last used during the 2011 Rugby World Cup).
4 How we implement the Bylaw

Making decisions using evidence
Council uses evidence to decide whether to make, amend or replace an alcohol ban by resolution.

Before making an alcohol ban by resolution, the Local Government Act 2002 requires council to be satisfied that there is evidence of a high level of crime or disorder in the area which has been caused by or made worse by alcohol consumption in that same area.

Evidence can include witness accounts of crime or disorder, photos of litter or damage, and callouts to council noise control and the Police. The Local Government Act 2002 also requires any alcohol ban to be appropriate and proportionate in terms of the nature and scale of the crime or disorder and justifiable as a reasonable limitation on people’s rights and freedoms.

Erecting and maintaining signage
Council erects and maintains alcohol ban signage. Signage informs people of the alcohol ban area and hours. An internal policy guides the form and placement of alcohol ban signage.

Police enforcement of alcohol bans
The New Zealand Police are responsible for enforcing alcohol bans made under the Bylaw.

Anyone can report a breach of an alcohol ban to the Police. Police respond to reports of alcohol ban breaches as soon as possible depending on the nature of the issues and other priorities.

Police may use powers of search, seizure and arrest under the Local Government Act 2002 to enforce alcohol bans. For breaches of alcohol bans, the Police may issue an infringement fee of $250.
5 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Auckland Council reviewed the existing Bylaw by engaging with stakeholders and undertaking research. Council reported its findings and considered options in response to the findings at meetings in April and May 2019.

This statement of proposal was approved for public consultation by the Governing Body in September 2020. This begins the formal process to make amendments to the Alcohol Control Bylaw 2014.

Bylaw review and approval process

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</thead>
<tbody>
<tr>
<td>Findings report</td>
<td>Options report</td>
<td>Proposal developed</td>
<td>Local board input</td>
<td>Proposal finalised</td>
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<tr>
<td>Review of how well the current bylaw is working (REG2018/19)</td>
<td>Considered whether to keep the bylaw, improve it, make a new bylaw or have no bylaw (REG2019/28)</td>
<td>Statement of Proposal developed to amend Alcohol Control Bylaw 2014</td>
<td>Local boards provide formal input on proposal ahead of public consultation</td>
<td>Regulatory Committee finalises proposal and Governing Body adopts it for consultation</td>
</tr>
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</table>

Go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) if you would like to view more information about the above decisions, including the findings from the statutory bylaw review and options we considered to respond to those findings.

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Council engaged with a range of stakeholders including the Tāpuna Maunga Authority, the New Zealand Police, Alcohol Harm Watch, Health Promotion Agency, Auckland Regional Public Health Service, Te Puea Kotik and Māori public health advocates.
6 We want your input

You have an opportunity to tell us your views.

We would like to know what you think about the proposed amendments to the Alcohol Control Bylaw.

Anyone can give feedback on the proposal, including individuals, organisations and businesses.

Give us your feedback

Starting on ### month 2020 through to ### month 2020 we are asking for feedback on proposed amendments to the Auckland Council Alcohol Control Bylaw 2014. Anyone can give feedback.

You can give your feedback:

- online at our website www.aucklandcouncil.govt.nz/have-your-say
- in person at one of our ‘Have your say’ events – visit our website for details

Visit www.aucklandcouncil.govt.nz/have-your-say for more information.

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.
Appendix A: Proposed amended Auckland Council Alcohol Control Bylaw 2020
Te Ture ā-Rohe
Whakararata Waipiro 2014
Alcohol Control Bylaw 2014

(as at dd month 2021)

made by the Governing Body of Auckland Council

in resolution GB/2014/121

on 30 October 2014

Bylaw made under sections 145 and 147 of the Local Government Act 2002.
Summary
This summary is not part of the Bylaw but explains the general effects. Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –
- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event-based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council's [website](#)).

Other parts of this Bylaw assist with its administration by –
- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement fines (Part 4)
- ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).

Cover page reformatted and Summary inserted in accordance with Clause 2(2).
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**Schedules**

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1 Title

(1) This Bylaw is the Te Ture à-Rohe Whakararata Waipiro 2014, Alcohol Control Bylaw 2014.

Clause 1 amended in accordance with Clause 2(2).

2 Commencement

(1) This Bylaw comes into force on 18 December 2014.

(2) Amendments to this Bylaw by resolution GB/####/## come into force on 01 June 2021.

Related information about amendments

Council decided on dd month year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:
- making new event-based temporary alcohol bans in Schedule 1
- using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision making criteria
- clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council’s ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).

3 Application

(1) This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

(1) The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.

Clause 4 amended in accordance with Clause 2(2).

5 Interpretation

(1) In this Bylaw, unless the context otherwise requires, –

   Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

   Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.
Howick Local Board
20 July 2020

Attachments

Related information
The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC-Ak-R1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.

Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.

Council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information about who can make an alcohol ban
Council has delegated the making of alcohol bans by resolution under clause 7 to –
- local boards for local parks, streets and carparks as at 30 October 2014 (GB/2014/121)
- the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB/2014/121)
- the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB/2016/237).
The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.

Public holiday has the same meaning given in the Holidays Act 2003.

Public place has the meaning given by section 147 of the Local Government Act 2002.

Related information
The Local Government Act 2002 (as reprinted on 1 July 2018) states a 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.

Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998.

(2) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.

(3) The Interpretation Act 1999 applies to this Bylaw.

Clause 5 amended in accordance with Clause 2(2).
Part 2
Alcohol consumption and possession in public places

6 Alcohol prohibited in public places where an alcohol ban applies

(1) A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where—
   (a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or
   (b) an alcohol ban in a Schedule of this Bylaw applies.

(2) However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Local Government Act 2002.

Related information about alcohol bans
A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council’s website.

Related information about exceptions – Transport of alcohol
In section 147(4) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to,—
   “(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.”

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

Related information about exceptions – Licensed premises
In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Subpart 1 of Part 2). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.

Clause 6 amended in accordance with Clause 2(2).
Part 3
Controls

7 Council may make an alcohol ban

(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

8 Procedure for making an alcohol ban

(1) Council must, before making an alcohol ban in clause 7 –
   (a) comply with decision-making requirements under the Local Government Act 2002; and
   (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –
      (i) 24 hours, 7 days a week (at all times alcohol ban);
      (ii) 7pm to 7am daily (evening alcohol ban);
      (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);
      (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Related information about making an alcohol ban

- Council may make a permanent or temporary alcohol ban by resolution in clause 7 or by making a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban.
- The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 147B (for resolutions) and 147A (for bylaws). The criteria cannot be changed by council.
- For permanent alcohol bans by resolution or in a bylaw, the statutory criteria requires:
  - evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area
  - the ban to be appropriate and proportionate in light of the crime or disorder
  - the ban to be justified as a reasonable limitation on people’s rights and freedoms.
- For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people’s rights and freedoms.
- Before making a decision, council must also comply with the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020). This could include considering –
  - complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Maori or Pacific Wardens
  - views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police
  - the nature, severity and frequency of alcohol-related crime or disorder
  - whether the crime or disorder is a result of displacement from an existing alcohol ban
  - whether an alcohol ban would result in displacement of the crime or disorder
  - whether a Crime Prevention through Environmental Design assessment is needed.

- Council must under clause 8 consider standard times to improve consistency in Auckland, however it may also consider other times more appropriate and proportionate in light of evidence.

**Related information about making an alcohol ban – making a request**

- Members of the public (for example community groups, businesses and the New Zealand Police) may request council to make an alcohol ban at any time, with supporting evidence.

**Related information about alcohol ban signage**

- Council uses alcohol ban signage to inform, educate and assist with enforcement.
- The Governor General may use section 147C of the Local Government Act 2002 (as reprinted on 26 March 2020) to make rules about alcohol ban signage. No rules have been made to date.

Clause 8 replaced in accordance with Clause 2(2).

**Part 4**

**Enforcement powers, offences and penalties**

9  **Police can use statutory powers and other methods to enforce this Bylaw**

(1)  A Police constable may use their powers under the Local Government Act 2002 to enforce this Bylaw.

**Related information about enforcement**

The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections 169 and 170 of the Local Government Act 2002 (as reprinted on 26 March 2020).

Clause 9 amended in accordance with Clause 2(2).
10 **A person can be penalised for not complying with this Bylaw**

(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the *Local Government Act 2002*.

**Related information about penalties**

A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of $250 under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013 (as printed on 18 December 2013).

Clause 10 amended in accordance with Clause 2(2).

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**Part 5**

**Savings and transitional provisions**

11 **Existing resolutions continue to apply**

(1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.

(2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.

Clause 11 inserted in accordance with Clause 2(2).

12 **Existing inquiries to be completed under this Bylaw**

(1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.

Clause 12 inserted in accordance with Clause 2(2).
Schedule 1

Event-Based Temporary Alcohol Bans

[Attached maps will be formatted to council communication standards prior to notification]

In this Schedule, “major events” has the same meaning as “large scale events” in section 147A of the Local Government Act 2002.

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<thead>
<tr>
<th>Name</th>
<th>Alcohol Ban Area</th>
<th>Operative Time</th>
<th>Map number</th>
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</thead>
<tbody>
<tr>
<td>Auckland Domain major events alcohol ban</td>
<td>Auckland Domain</td>
<td>6am on the day of any major event at Auckland Domain to 6am on the day after that event</td>
<td>1</td>
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<tr>
<td>(excluding ‘Christmas in the Park’)</td>
<td>Associated carpark areas and sports fields</td>
<td></td>
<td></td>
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<tr>
<td>Auckland Domain ‘Christmas in the Park’</td>
<td>Auckland Domain</td>
<td>4pm on the Friday before any ‘Christmas in the Park’ event at the Auckland Domain to 8am on the following Monday after that event</td>
<td>2</td>
</tr>
<tr>
<td>alcohol ban</td>
<td>Associated carpark areas, sports fields and surrounding streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eden Park major events alcohol ban</td>
<td>Eden Park</td>
<td>12 hours before any major event at Eden Park to 12 hours after that event</td>
<td>3</td>
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<td></td>
<td>Surrounding streets</td>
<td></td>
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<td>Fan Trail if activated as part of the event</td>
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<td>Mt Smart Stadium major events alcohol ban</td>
<td>Mt Smart Stadium</td>
<td>6am on the day of any major event at Mt Smart Stadium to 6am on the day after that event</td>
<td>4</td>
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<tr>
<td></td>
<td>Surrounding streets</td>
<td></td>
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<tr>
<td>Western Springs major events alcohol ban</td>
<td>Western Springs Stadium</td>
<td>6am on the day of any major event at Western Springs Stadium to 6am on the day after that event</td>
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<td>Western Springs Lakeside</td>
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<td>Western Springs Outer Fields</td>
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<tr>
<td></td>
<td>Surrounding streets</td>
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</tbody>
</table>

Related information about event-based (temporary) alcohol bans

- More information on major events can be found in council’s Events Policy. The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mt Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on ‘match days’, starting at Western Park on Porsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Elizabeth Square.
Auckland Domain - Major events (excluding Christmas in the Park)
Regional
Hours of Operation: 6am on the first day of the event until 6am on the day after the event
Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.
Eden Park - Major events

Regional
Hours of Operation: 12 hours before and after an event.

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.
Mt Smart Stadium - Major events

Regional

Hours of Operation: 8am on the day of the event to 8am the day after the event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.
Defined Alcohol Ban Area

Western Springs - Major events

Regional
Hours of Operation: 6am on the day of the event to 6am on the day after the event.

Alcohol ban does not apply to areas covered by a Sale and Consumption licence.

NB: Event could be at one or more of the following Western Springs locations:
- Western Springs Stadium
- Western Springs Outer Fields
- Western Springs Lakeside.
Related information, Bylaw history

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 November 2010</td>
<td>Made legacy bylaws about alcohol control (^1) (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>01 November 2010</td>
<td>Commencement of legacy bylaws about alcohol control (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>22 July 2014</td>
<td>Review of legacy bylaws about alcohol control completed (RBC/2014/27)</td>
</tr>
<tr>
<td>31 July 2014</td>
<td>Proposal to make new bylaw about alcohol control and to revoke legacy bylaws (GB/2014/70)</td>
</tr>
<tr>
<td>30 October 2014</td>
<td>Made the Auckland Council Alcohol Control Bylaw 2014 (GB/2014/121)</td>
</tr>
<tr>
<td><strong>dd month year</strong></td>
<td>Public notice of making of the Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws</td>
</tr>
<tr>
<td>18 December 2014</td>
<td>Commencement of Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws (GB/2014/121)</td>
</tr>
<tr>
<td>11 April 2019</td>
<td>Review of Auckland Council Alcohol Control Bylaw 2014 completed (REG/2019/19)</td>
</tr>
<tr>
<td>24 September 2020</td>
<td>Proposal to make a new bylaw about alcohol control (GB/2020/###)</td>
</tr>
<tr>
<td><strong>## April 2021</strong></td>
<td>Amended the Auckland Council Alcohol Control Bylaw 2014 (GB/2021/###)</td>
</tr>
<tr>
<td><strong>TBC</strong></td>
<td>Public notice of amending the Auckland Council Alcohol Control Bylaw 2014</td>
</tr>
<tr>
<td>01 June 2021</td>
<td>Commencement of amendments to the Auckland Council Alcohol Control Bylaw 2014 (GB/2021/###)</td>
</tr>
</tbody>
</table>


Related information, next bylaw review

This Bylaw must be reviewed by 11 April 2029. If not reviewed by this date, the Bylaw will expire on 11 April 2031.
Alcohol Control Bylaw 2014

Te Ture a Rohe Whakararata Waipiro 2014

(as at 30 October 2014)

Made by Governing Body of Auckland Council

Resolution in Council

30 October 2014

Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.
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<td>9</td>
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</tr>
<tr>
<td>10</td>
<td>Offences and Penalties</td>
<td>7</td>
</tr>
</tbody>
</table>
Part 1
Preliminary provisions

1 Title
(1) This bylaw is the Alcohol Control Bylaw 2014.

2 Commencement
(1) This bylaw comes into force on 18 December 2014.

3 Application
(1) This bylaw applies to Auckland.

4 Purpose
(1) The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.

5 Interpretation
(1) In this bylaw, unless the context otherwise requires, -

Auckland has the meaning given by the Local Government (Auckland Council) Act 2010.

Explanatory Note: As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 “...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))”.

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “... 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."

Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.

Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the
public holiday must be treated as falling on the following Monday or Tuesday respectively.

Community-focused solutions mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.

Council means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.

Licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held."

Public holiday has the same meaning given in the Holidays Act 2003.

Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means "...
(a) Christmas Day:
(b) Boxing Day:
(c) New Year's Day:
(d) 2 January:
(e) Waitangi Day:
(f) Good Friday:
(g) Easter Monday:
(h) ANZAC Day:
(i) the birthday of the reigning Sovereign (observed on the first Monday in June):
(j) Labour Day (being the fourth Monday in October):
(k) the day of the anniversary of a province or the day locally observed as that day."

Public place has the meaning given by section 147 of the Local Government Act 2002.

Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 "...
(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."
(2) The Interpretation Act 1999 applies to this bylaw.

(3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

Part 2
Control of alcohol

6 Alcohol bans

(1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances "...
(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."

7 Making alcohol bans

(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing into or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) The council must, before making an alcohol ban in clause 7(1) –
   (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and
   (b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
(c) comply with the criteria under section 147B of the Local Government Act 2002 as follows
   (i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
   (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people’s rights and freedoms; and

(e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and

(f) consider the views of the New Zealand Police; and

(g) consider the views of Maori; and

(h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and

(i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –
   (i) 24 hours, 7 days a week (at all times alcohol ban);
   (ii) 7pm to 7am daily (evening alcohol ban);
   (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);
   (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Explanatory note: The times in clause 7(2)(f) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(2)(c) that requires alcohol bans be proportionate in light of the evidence.

(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.

8 Signage

(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:
   (a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;
   (b) describe the placement of the signs
   (c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).
Part 3
Enforcement, offences, penalties

9 Enforcement
(1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.

(2) In addition to their 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.

Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.

10 Offences and penalties
(1) Every person who breaches this bylaw commits an offence.

(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 ban is an infringement fee of $250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.
Additional Information to Alcohol Control Bylaw 2014

This document contains matters for information purposes only and does not form part of any bylaw. It includes matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance of a bylaw. The information contained in this document may be updated at any time.

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</table>
## Section 1
### History of Bylaw

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<th>Action</th>
<th>Description</th>
<th>Date of Decision</th>
<th>Decision Reference</th>
<th>Commencement</th>
</tr>
</thead>
</table>
| Make   | Following liquor control bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council  
- Auckland City Council, Part 14 Liquor Control in Public Places  
- Franklin District Council, Liquor Control Bylaw 2008  
- Manukau City Council, Chapter 11 Liquor Control  
- North Shore City Council, Part 24 Control of consumption of liquor  
- Papakura District Council, Liquor Control in Public Places Bylaw 2008  
- Rodney District Council, Chapter 16 Liquor Bylaw  
| Lapse  | Previous liquor control bylaws (and consequently any resolutions made pursuant to those bylaws) to be allowed to lapse. | 30 Oct 2014 | GB/2014/121 | 31 Oct 2015 |
| Make   | Review of liquor control bylaws resulted in replacing the seven previous liquor control bylaws with the Alcohol Control Bylaw 2014. | 30 Oct 2014 | GB/2014/121 | 18 Dec 2014 |

## Section 2
### Related Documents

<table>
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<tr>
<th>Document Title</th>
<th>Description of Document</th>
<th>Location of Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision Minutes and Agenda</td>
<td>Decisions on submissions to Statement of Proposal</td>
<td><a href="http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_MIN_4575.PDF">http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_MIN_4575.PDF</a></td>
</tr>
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<pre><code>                        |                                                             | http://infocouncil.aucklandcouncil.govt.nz/Open/2014/10/GB_20141030_AGN_4575_AT_PDF |
</code></pre>

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### Section 3
Delegations for matters contained in bylaw

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<th>Delegated Authority</th>
<th>Date of Delegation Decision</th>
<th>Decision Reference</th>
<th>Commencement of Delegation</th>
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</thead>
<tbody>
<tr>
<td>n/a Oversight of regulatory performance</td>
<td>The Regulatory Committee</td>
<td>7 Nov 2013</td>
<td>GB/2013/132 and GB/2016/237</td>
<td>7 Nov 2013</td>
</tr>
<tr>
<td>CI 7 Make, amend revoke permanent<em>¹ and temporary</em>² alcohol ban.</td>
<td>Regulatory Committee in relation to any public place described in *³</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
<td>18 Dec 2014</td>
</tr>
<tr>
<td></td>
<td>Make, amend or revoke permanent<em>¹ and temporary</em>² alcohol ban.</td>
<td>Local boards in relation to any public place excluding those public places described in *³</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
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</table>
Item 15

Section 4
Register of current alcohol bans

Refer to council website for all alcohol ban maps (https://www.aucklandcouncil.govt.nz/licences-regulations/alcohol-bans-policies/Pages/alcohol-ban-maps.aspx).

Section 5
Enforcement powers for matters contained in bylaw

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<th>Description of Legislative Provision</th>
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<tr>
<td>Section 169 and 170 of the Local Government Act 2002</td>
<td>A constable has powers of arrest, search and seizure in relation to alcohol bans.</td>
</tr>
</tbody>
</table>

Section 6
Offences and penalties for matters contained in bylaw

<table>
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<tr>
<th>Provision</th>
<th>Description of Offence</th>
<th>Fine</th>
<th>Infringement Fee</th>
<th>Other Penalty</th>
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<tbody>
<tr>
<td>cl 6</td>
<td>Breach of bylaw</td>
<td>n/a</td>
<td>$250*</td>
<td>n/a</td>
</tr>
</tbody>
</table>

* Local Government (Alcohol Ban Breaches) Regulations 2013

Section 7
Monitoring and review for matters contained in bylaw

<table>
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<th>Performance Indicator</th>
<th>Measured By</th>
<th>Target</th>
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* None attached at this time.
### Appendix C: Comparison of existing Alcohol Control Bylaw and proposed amended Bylaw

The table below shows the current text of the Bylaw compared with proposed amendments.

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.</td>
<td>Bylaw made under sections 145 and 147 of the Local Government Act 2002.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>This summary is not part of the Bylaw but explains the general effects.</td>
</tr>
<tr>
<td>Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.</td>
</tr>
<tr>
<td>This can negatively affect nearby residents' sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.</td>
</tr>
<tr>
<td>The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –</td>
</tr>
<tr>
<td>- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)</td>
</tr>
<tr>
<td>- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)</td>
</tr>
<tr>
<td>- specifying event-based temporary alcohol bans (Schedule 1)</td>
</tr>
<tr>
<td>- referencing the full list of alcohol bans and maps (viewable on council's website).</td>
</tr>
</tbody>
</table>

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2, and 3) |
| stating the purpose of this Bylaw and defining key terms (clauses 4 and 5) |
| referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement fines (Part 4) |
| ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5). |

Cover page reformatted and Summary inserted in accordance with Clause 2(2).

<table>
<thead>
<tr>
<th></th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (1)</td>
<td>This bylaw is the Alcohol Control Bylaw 2014.</td>
</tr>
<tr>
<td>1</td>
<td>Title</td>
</tr>
<tr>
<td>(1)</td>
<td>This Bylaw is the Te Ture a-Rohe Whakararata Waipiro 2014, Alcohol Control Bylaw 2014.</td>
</tr>
</tbody>
</table>

Clause 1 amended in accordance with Clause 2(2).
<table>
<thead>
<tr>
<th></th>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Commencement</td>
<td>Commencement</td>
</tr>
<tr>
<td>(1)</td>
<td>This bylaw comes into force on 18 December 2014.</td>
<td>(1) This Bylaw comes into force on 18 December 2014.</td>
</tr>
<tr>
<td></td>
<td>Application</td>
<td>Amendments to this Bylaw by resolution GB/2020/11 come into force on 01 June 2020.</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
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<td></td>
</tr>
<tr>
<td>3</td>
<td>Application</td>
<td>Application</td>
</tr>
<tr>
<td>(1)</td>
<td>This bylaw applies to Auckland.</td>
<td>(1) This Bylaw applies to Auckland.</td>
</tr>
</tbody>
</table>

### Part 1 Preliminary provisions

<table>
<thead>
<tr>
<th></th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Purpose</td>
</tr>
<tr>
<td>(1)</td>
<td>The purpose of this Bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.</td>
</tr>
<tr>
<td></td>
<td>The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.</td>
</tr>
<tr>
<td></td>
<td>Clause 4 amended in accordance with Clause 2(2).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Interpretation</td>
</tr>
<tr>
<td>(1)</td>
<td>In this bylaw, unless the context otherwise requires, –</td>
</tr>
<tr>
<td></td>
<td>In this Bylaw, unless the context otherwise requires, –</td>
</tr>
</tbody>
</table>

**Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. **Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
## Existing Bylaw

**Explanatory Note:** As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “…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.”

### Auckland has the meaning given by the Local Government (Auckland Council) Act 2010.

**Explanatory Note:** As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 “…means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))”.

## Bylaw with proposed amendments

**Auckland** has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.

**Related information**

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC-Ak-R1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.
<table>
<thead>
<tr>
<th><strong>Existing Bylaw</strong></th>
<th><strong>Bylaw with proposed amendments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Christmas / New Year holiday period</strong> means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003. Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the public holiday must be treated as falling on the following Monday or Tuesday respectively.</td>
<td><strong>Christmas / New Year holiday period</strong> means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.</td>
</tr>
<tr>
<td><strong>Community-focused solutions</strong> mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.</td>
<td><strong>Council</strong> means the Governing Body of the Auckland Council or any person delegated to act on its behalf. Related information about who can make an alcohol ban: Council has delegated the making of alcohol bans by resolution under clause 7 to –  - local boards for local parks, streets and car parks as at 30 October 2014 (GB2/2014/121)  - the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB2/2014/121)  - the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB2/2016/237). The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.</td>
</tr>
<tr>
<td><strong>Council</strong> means the Governing Body of the Auckland Council or any person delegated to act on its behalf. Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.</td>
<td><strong>Licensed premises</strong> has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held.”</td>
</tr>
<tr>
<td><strong>Existing Bylaw</strong></td>
<td><strong>Bylaw with proposed amendments</strong></td>
</tr>
<tr>
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</tr>
</tbody>
</table>
| **Public holiday** has the same meaning given in the Holidays Act 2003.  
*Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means “…”*  
(a) Christmas Day  
(b) Boxing Day  
(c) New Year’s Day  
(d) 2 January  
(e) Waitangi Day  
(f) Good Friday  
(g) Easter Monday  
(h) ANZAC Day  
(i) the birthday of the reigning Sovereign (observed on the first Monday in June)  
(j) Labour Day (being the fourth Monday in October)  
(k) the day of the anniversary of a province or the day locally observed as that day.”  
| **Public holiday** has the same meaning given in the Holidays Act 2003.  
| **Public place** has the meaning given by section 147 of the Local Government Act 2002.  
*Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 “…” 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 does not include licensed premises.”  
| **Public place** has the meaning given by section 147 of the Local Government Act 2002.  
| **Related Information**  
The Local Government Act 2002 (as reprinted on 1 July 2018) states a 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.  
| **Vehicle** has the meaning given by section 2(1) of the Land Transport Act 1998. |
## Existing Bylaw

| (2) | The Interpretation Act 1999 applies to this bylaw. Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process. |
| (3) |

## Bylaw with proposed amendments

| (2) | Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality. |
| (3) | The Interpretation Act 1999 applies to this Bylaw. Clause 5 amended in accordance with Clause 2(2). |

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Alcohol consumption and possession in public places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of alcohol</td>
<td>Part 2</td>
</tr>
</tbody>
</table>

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6 Alcohol bans

(1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances:

(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 visitor; 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.

6 Alcohol prohibited in public places where an alcohol ban applies

(1) A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where—

(a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or
(b) an alcohol ban in a Schedule of this Bylaw applies.

(2) However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Local Government Act 2002.

Related information about alcohol bans

A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council’s website.

Related information about exceptions – Transport of alcohol

In section 147(4) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to—

(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 visitor; 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.

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

Related information about exceptions – Licensed premises

In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Subpart 1 of Part 2). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.
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<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
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<tbody>
<tr>
<td></td>
<td>Part 3</td>
</tr>
<tr>
<td></td>
<td>Controls</td>
</tr>
</tbody>
</table>
7 Making alcohol bans

(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing into or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) The council must, before making an alcohol ban in clause 7(1) –
   (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and
   (b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
   (c) comply with the criteria under section 147B of the Local Government Act 2002 as follows:
      (i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
      (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms; and
      (e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and

7 Council may make an alcohol ban

(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

8 Procedure for making an alcohol ban

(1) Council must, before making an alcohol ban in clause 7 –
   (a) comply with decision-making requirements under the Local Government Act 2002; and
   (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –
      (i) 24 hours, 7 days a week (at all times alcohol ban);
      (ii) 7pm to 7am daily (evening alcohol ban);
      (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (nighttime alcohol ban);
      (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Related information about making an alcohol ban
- Council may make a permanent or temporary alcohol ban by resolution in clause 7 or by making a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban.
- The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 147B (for resolutions) and 147A (for bylaws). The criteria cannot be changed by council.
- For permanent alcohol bans by resolution or in a bylaw, the statutory criteria requires:
  ○ evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area.
<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
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<tbody>
<tr>
<td>(f) consider the views of the New Zealand Police, and</td>
<td>• the ban to be appropriate and proportionate in light of the crime or disorder</td>
</tr>
<tr>
<td>(g) consider the views of Maori; and</td>
<td>• the ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
</tr>
<tr>
<td>(h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and</td>
<td>• For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
</tr>
<tr>
<td>(i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –</td>
<td>• Before making a decision, council must also comply with the general decision-making requirements under Part 8 of the Local Government Act 2002 (as reprinted on 29 March 2020). This could include considering –</td>
</tr>
<tr>
<td>(ii) 7pm to 7am daily (evening alcohol ban);</td>
<td>• complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Maori or Pacific Wardens.</td>
</tr>
<tr>
<td>(iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);</td>
<td>• views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police.</td>
</tr>
<tr>
<td>(iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</td>
<td>• the nature, severity and frequency of alcohol-related crime or disorder</td>
</tr>
</tbody>
</table>

Explanatory note: The times in clause 7(2)(f) are a guide to improve consistency in times across the unitary authority. This requires alcohol bans be proportionate in light of the evidence.

Clause 8 replaced in accordance with Clause 2(2).
### Existing Bylaw

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<tr>
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<tbody>
<tr>
<td>8</td>
<td><strong>Signage</strong></td>
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<tr>
<td></td>
<td>(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:</td>
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<tr>
<td></td>
<td>(a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;</td>
<td></td>
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<tr>
<td></td>
<td>(b) describe the placement of the signs</td>
<td></td>
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<tr>
<td></td>
<td>(c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).</td>
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</tbody>
</table>

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Part 3</th>
<th>Part 4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement, offences, penalties</strong></td>
<td><strong>Enforcement powers, offences and penalties</strong></td>
</tr>
<tr>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>(1) <strong>Enforcement</strong></td>
<td><strong>Police can use statutory powers and other methods to enforce this Bylaw</strong></td>
</tr>
<tr>
<td>(2) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.</td>
<td>(1) A Police constable may use their powers under the Local Government Act 2002 to enforce this Bylaw.</td>
</tr>
<tr>
<td>In addition to their 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.</td>
<td>Related information about enforcement</td>
</tr>
</tbody>
</table>

Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.

Clause 9 amended in accordance with Clause 2(2).

<table>
<thead>
<tr>
<th>10</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offences and penalties</strong></td>
<td><strong>A person can be penalised for not complying with this Bylaw</strong></td>
</tr>
<tr>
<td>(1) Every person who breaches this bylaw commits an offence.</td>
<td>(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the Local Government Act 2002.</td>
</tr>
<tr>
<td>(2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.</td>
<td>Related information about penalties</td>
</tr>
<tr>
<td>Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of $250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.</td>
<td>A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of $250 under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013 as (printed on 18 December 2013).</td>
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<tr>
<td></td>
<td>Clause 10 amended in accordance with Clause 2(2).</td>
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<tr>
<td><strong>Part 5</strong></td>
<td><strong>Savings and transitional provisions</strong></td>
</tr>
<tr>
<td><strong>11</strong> Existing resolutions continue to apply</td>
<td></td>
</tr>
<tr>
<td>(1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.</td>
<td></td>
</tr>
<tr>
<td>(2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.</td>
<td></td>
</tr>
<tr>
<td>Clause 11 inserted in accordance with Clause 2(2).</td>
<td></td>
</tr>
<tr>
<td><strong>12</strong> Existing inquiries to be completed under this Bylaw</td>
<td></td>
</tr>
<tr>
<td>(1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.</td>
<td></td>
</tr>
<tr>
<td>Clause 12 inserted in accordance with Clause 2(2).</td>
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<tr>
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</tr>
<tr>
<td><strong>Schedule 1</strong></td>
<td><strong>Event-Based (Temporary) Alcohol Bans</strong></td>
</tr>
<tr>
<td><strong>[Attached maps will be formatted to council communication standards prior to notification]</strong></td>
<td></td>
</tr>
<tr>
<td>In this Schedule, “major events” has the same meaning as “large scale events” in section 147A of the Local Government Act 2002.</td>
<td></td>
</tr>
<tr>
<td><strong>Name</strong></td>
<td><strong>Alcohol Ban Area</strong></td>
</tr>
<tr>
<td>Auckland Domain major events alcohol ban (excluding</td>
<td>Auckland Domain</td>
</tr>
</tbody>
</table>
### Existing Bylaw | Bylaw with proposed amendments
--- | ---
- Auckland Domain
  “Christmas in the Park”
  alcohol ban | - Auckland Domain
  - Associated carpark
  areas, sports fields and
  surrounding streets
  4pm on the Friday before
  any “Christmas in the Park”
  event at the Auckland
  Domain to 8am on the
  following Monday after that
  event
- Eden Park
  major events
  alcohol ban | - Eden Park
  - Surrounding streets
  - Fan Trail if activated as
  part of the event
  12 hours before any major
  event at Eden Park to 12
  hours after that event
- Mt Smart
  Stadium major events
  alcohol ban | - Mt Smart Stadium
  - Surrounding streets
  6am on the day of any major
  event at Mt Smart Stadium
  to 6am on the day after that
  event
- Western Springs
  major events
  alcohol ban | - Western Springs
  Stadium
  - Western Springs
  Lakeside
  - Western Springs Outer
  Fields
  - Surrounding streets
  6am on the day of any major
  event at Western Springs
  Stadium to 6am on the day
  after that event

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**Related information about event-based (temporary) alcohol bans**

- More information on major events can be found in council’s [Events Policy](#). The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on ‘match days’, starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Elizabeth Square.
Placeholder for Attachment A

Adoption of the Howick Local Board Agreement
2020/2021

Local Board Agreement 2020/2021
Item 17

Placeholder for Attachment B

Adoption of the Howick Local Board Agreement
2020/2021

Local fees and charges schedule 2020/2021