

Control of Alcohol in Public Places Bylaw

Division	Strategy and Policy
Date created	July 2024
Publication date	October 2024
Review period	October 2029
Owner	Strategy and Policy
Approved by	Jarred Griffiths, Director Strategy & Engagement

Version	Author	Date	Description
V 1.0	Angela Gordon	October 2024	Outlines alcohol free zones in the Lower Hutt District, implemented by the Police.
V 2.0	Name	Month Year	Insert brief description here

1. Commencement

1.1 This Bylaw will come into force on 2 October 2024.

2. Application

2.1 This Bylaw applies to the Lower Hutt District.

3. Interpretation

3.1 In this Bylaw, the following definitions apply:

- **Act** means the Local Government Act 2002.
- **Alcohol** has the meaning given to it in section 5(1) of the Sale and Supply of Alcohol Act 2012.
- **Alcohol free zone** means an alcohol ban area made under this Bylaw in accordance with section 147 of the Act.
- **Bylaw** means this Control of Alcohol in Public Places Bylaw.
- **Council** means Hutt City Council.
- **License** has the meaning given to it in section 5(1) of the Sale and Supply of Alcohol Act 2012.
- **Public Place** has the meaning given to it in section 147(1) of the Act.

4. Restrictions in Alcohol Free Zones

4.1 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 free zone made by Council in accordance with clause 5.2 of this Bylaw applies; or
- b. an alcohol free zone in a Schedule of this Bylaw applies.

4.1.1. A public place does not include licensed premises.

4.2 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.

4.2.1 Explanatory note on section 147(1) and 147(4): The possession or transport of alcohol in public places in alcohol free zones is limited by this bylaw and the Local Government Act, and is generally only allowed when transporting, carrying, or delivering alcohol through an area.

5. Alcohol Free Zones

Permanent Alcohol Free Zones

5.1 The public places in each of the areas identified in Schedule 1 to this Bylaw are alcohol free zones.

Alcohol Free Zones by Council resolution

5.2 The Council may, by resolution, specify additional permanent or temporary alcohol free zones, including where and when an alcohol-free zone will apply.

5.3 A resolution made under clause 5.2 may specify a temporary alcohol free zone associated with specific events or periods and permanent alcohol-free zones associated with specific areas or facilities.

5.4 For specified events or periods, the temporary alcohol free zone must be publicly notified at least 14 days in advance of the specified event or period in accordance with section 170(3) of the Act.

5.5 The Council may amend or revoke an Alcohol Free Zone under clause 5.1 or a resolution made under clause 5.2 at any time.

5.6 Before making a resolution under clause 5.2, the Council must be satisfied that the requirements of section 147B of the Act are met. Council may also take into account the following:

- a. whether it is necessary to consult the public to gauge community views on a proposed alcohol free zone;
- b. the nature, features, and scale of the proposed alcohol free zone;
- c. the problems that have been caused by the consumption of alcohol in the proposed alcohol free zone including the nature and severity of the problems, and the times and days that problems have occurred;
- d. the likelihood that alcohol will be present in the proposed alcohol free zone on the days or period specified;

- e. the extent to which the proposed alcohol free zone may assist in addressing these problems;
- f. any restrictions or limitations on private individuals' rights that would be caused by a proposed alcohol free zone; and
- g. any other information considered by the Council to be relevant.

Chief Executive approval for temporary alcohol free zones

5.7 Where there is insufficient time to specify a temporary alcohol free zone by Council resolution, a temporary alcohol free zone can be imposed by the Chief Executive, in consultation with Committee Chairs and the Mayor, in respect of that event during the specified times for that alcohol free zone area.

5.8 The Chief Executive, in consultation with the Committee Chairs and the Mayor, may only impose a temporary alcohol free zone after consideration of:

- **The nature of the event;**
- **The number of people expected to attend the event; and**
- **The history of the event (if any).**

Implementation

5.9 For specified events or periods, the temporary alcohol free zone must be publicly notified at least 14 days in advance of the specified event or period in accordance with section 170(3) of the Act.

5.9.1 Applications to establish a temporary alcohol free zone can be made to the Chief Executive. Decisions will be made in consultation with the Committee Chairs and the Mayor.

5.9.2 Explanatory note: If approved, a formal process with time limits, access for setting up temporary alcohol free zones (eg Police only), an application form, fee and signage requirements will be agreed.

6. Hutt City Council Alcohol Free Zones

6.1 The Council resolved at its meeting held on 1 October 2024 to create the alcohol free zones and times set out in Schedule 1 to which the Bylaw will apply. Maps outlining the areas in all the alcohol free zones in the table below can be found at Appendix 1.

Schedule 1: Alcohol free zones

Alcohol free zones (AFZ)	
9pm to 5am everyday	<ul style="list-style-type: none"> AFZ 1 – Oakleigh Street carpark – entrance to Belmont Regional Park AFZ2 – Jubilee Park carpark AFZ 3 – Cornish Street / Pito-One Road, Petone AFZ 5 – Days Bay Beach (except on Guy Fawkes night – 6:00pm 5 November to 5:00am 6 November) AFZ 6 – Eastbourne AFZ 7 – Seaview/Gracefield AFZ 15 – Lower Hutt City Wide
24-hour alcohol free zone everyday	<ul style="list-style-type: none"> AFZ 4 – Petone AFZ 8 – Norfolk Street Shopping Area, Wainuiomata AFZ 9 – Homedale Village Shops, Wainuiomata AFZ 10 – Queen Street Shops and Hugh Sinclair Park, Wainuiomata AFZ 11 – Stokes Valley Shopping Centre, Delaney Park and Speldhurst Park AFZ 12 – Central Business District AFZ 13 – Taita AFZ 14 – Naenae AFZ 16 – Waterloo AFZ 17- Moera

7. Signage in alcohol free zones

7.1 Where it is practicable or reasonable to do so, the Council will erect signage within alcohol free zones to provide information to the public about the restrictions. The size, location and content of the signage will be at the Council’s discretion.

7.2 The absence of signage in any alcohol free zone does not authorise a breach of this Bylaw.

7.3 This clause is subject to any regulations made under section 147C of the Act.


8. Offence and penalty

8.1 Every person who breaches this Bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and may be liable to pay an infringement fee.

8.2 Any person in breach of the restrictions in place in an alcohol free zone is subject to any action taken by the Police in accordance with the powers given to the Police in the Act. These include the powers of search and seizure of alcohol, arrest, and the power to issue an infringement notice. For the avoidance of doubt, this includes the powers in section 170(2) of the Act.




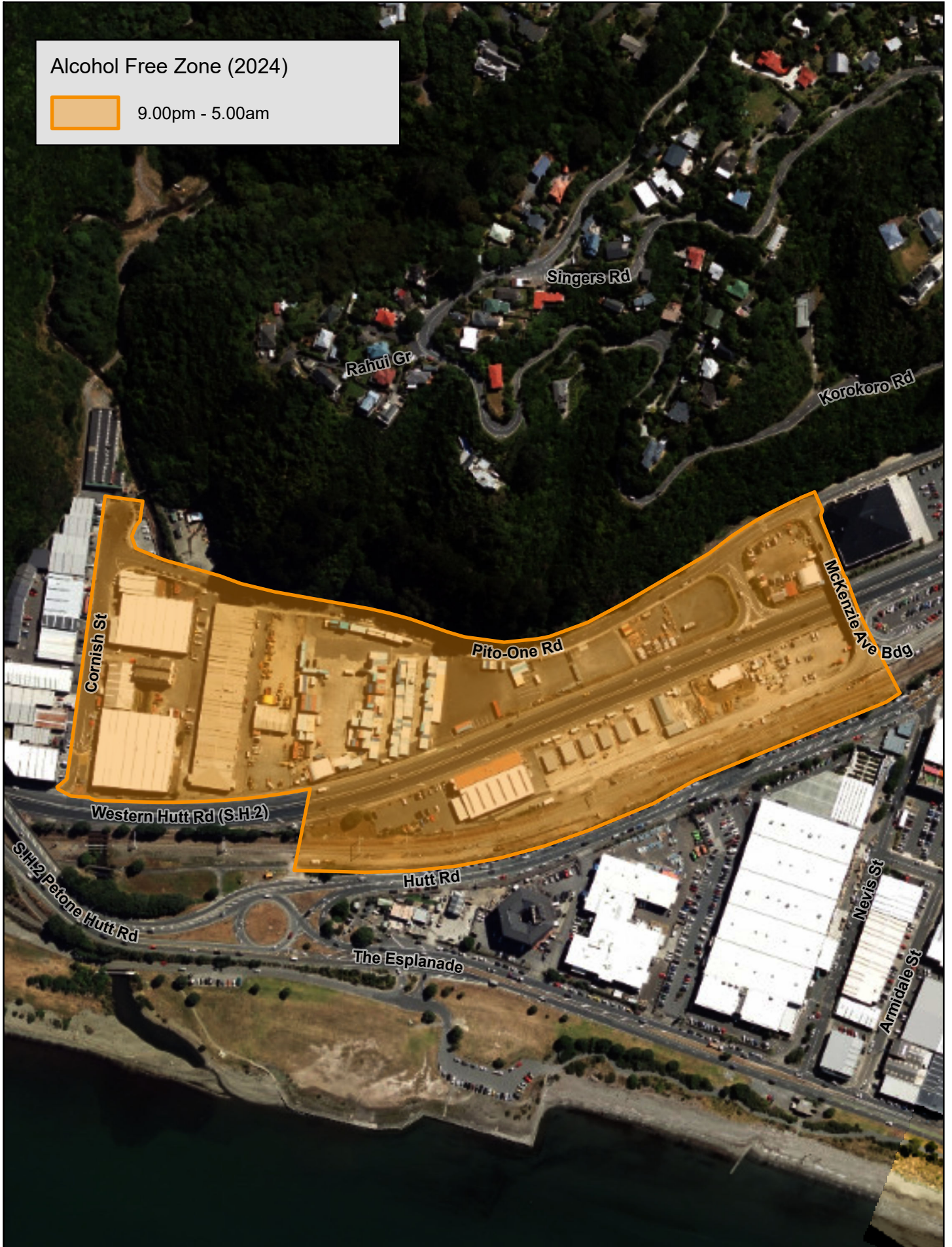
Alcohol Free Zone (2024)

 9.00pm - 5.00am



Alcohol Free Zone (2024)

 9.00pm - 5.00am







Alcohol Free Zone (2024)

9.00pm - 5.00am

9.00pm - 5.00am seven days a week,
except on Guy Fawkes night –
6.00pm 5 November - 5.00am 6 November.

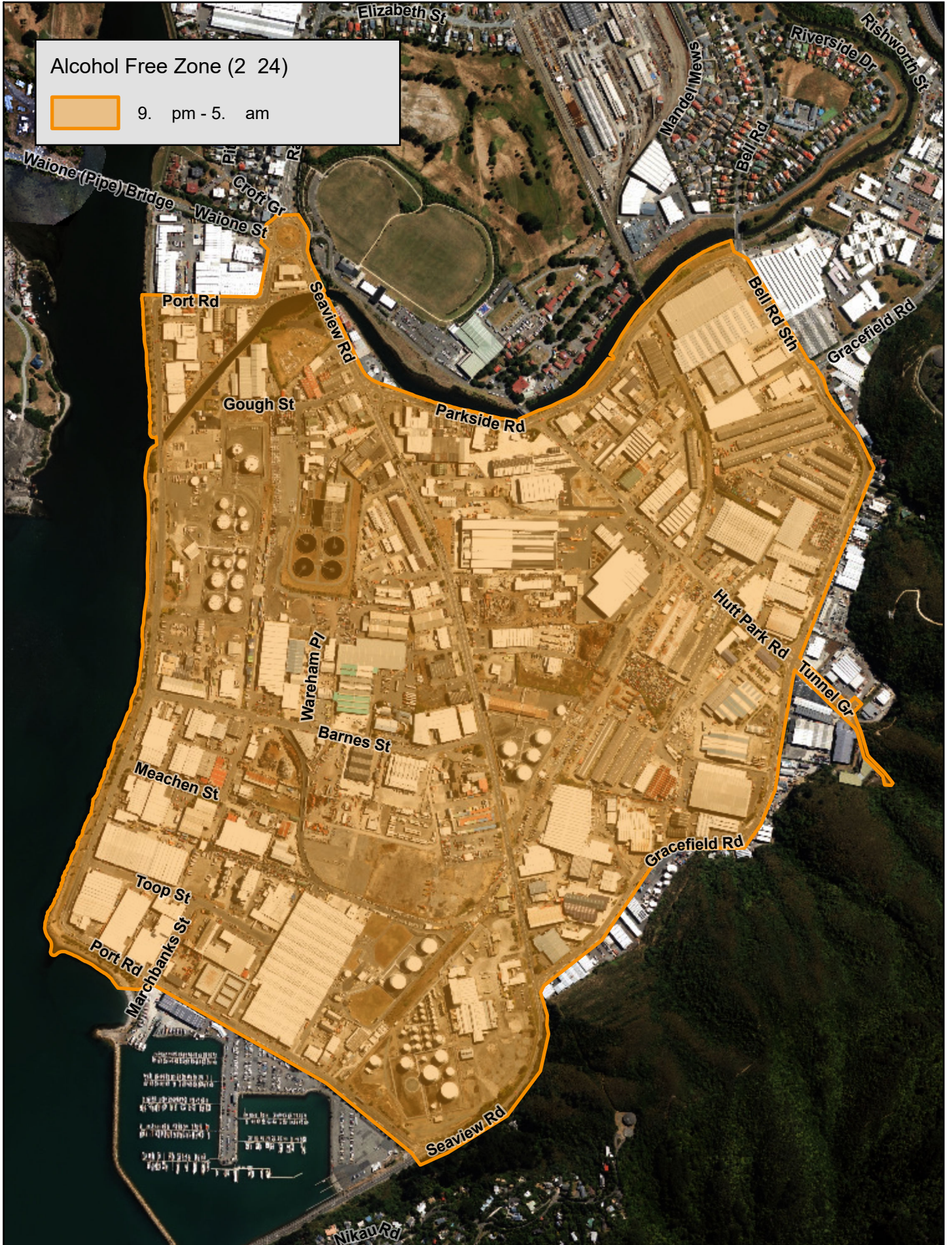


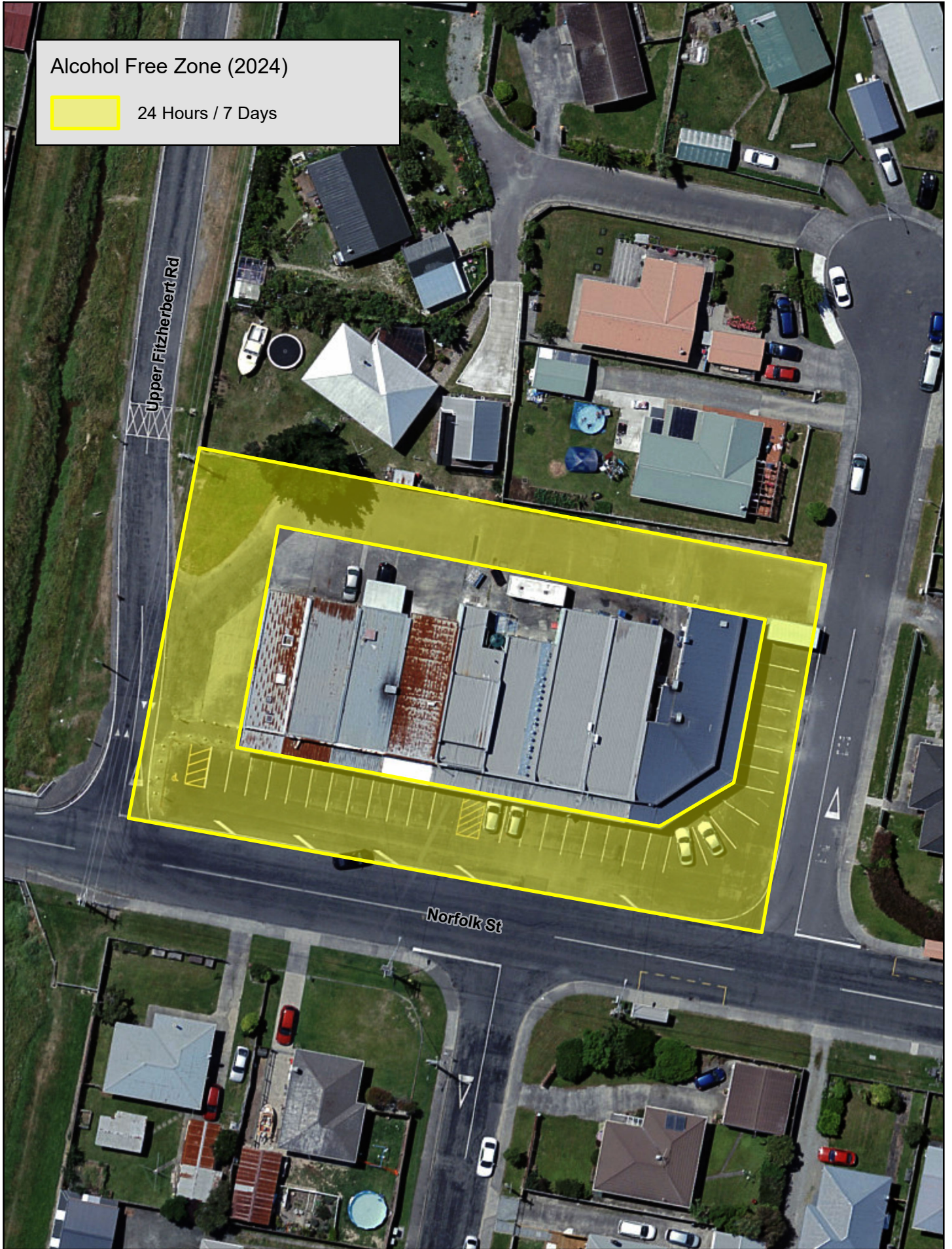
Alcohol Free Zone
(2024)




9.00pm - 5.00am





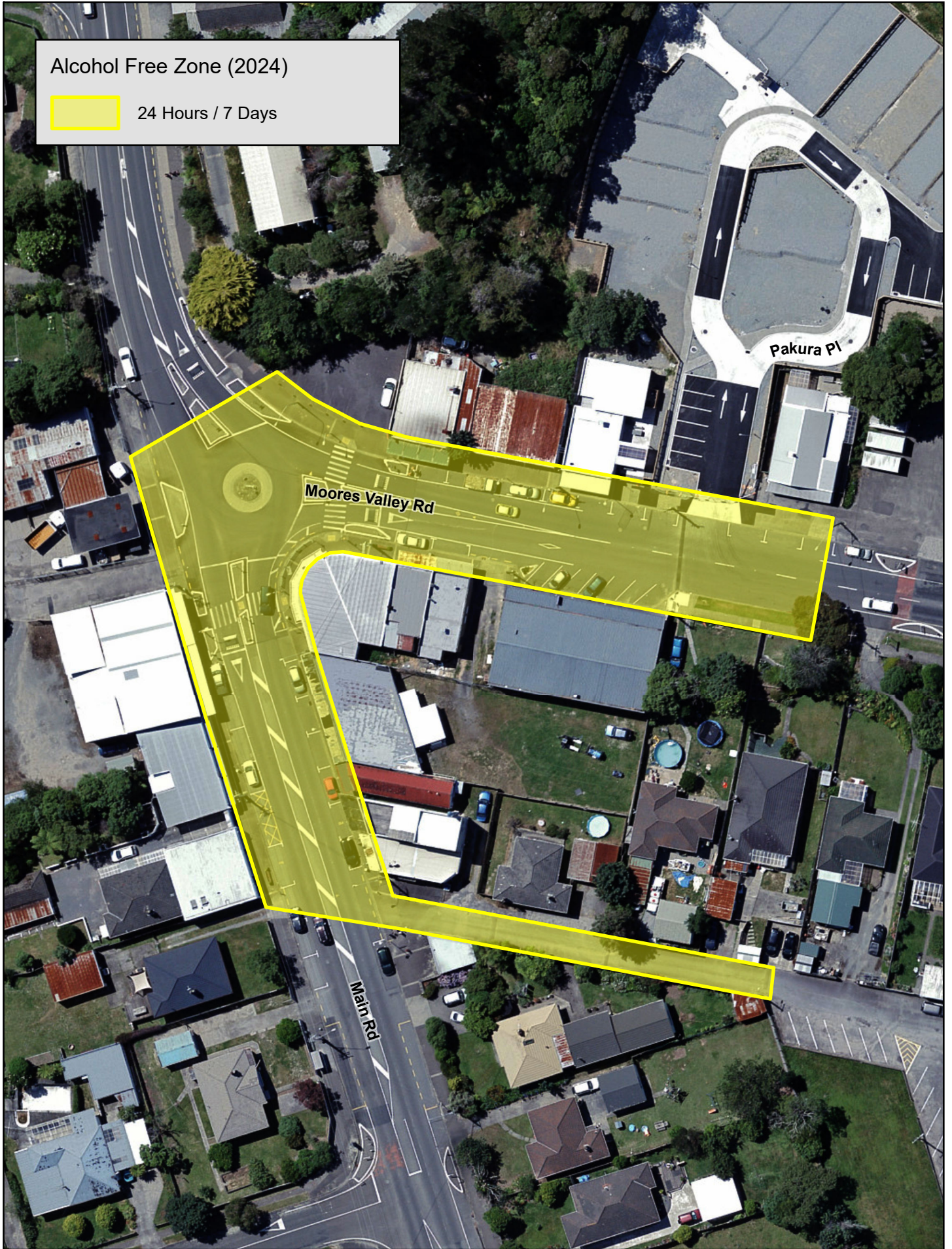


Alcohol Free Zone (2024)

 24 Hours / 7 Days

Upper Fitzherbert Rd

Norfolk St



Alcohol Free Zone (2024)



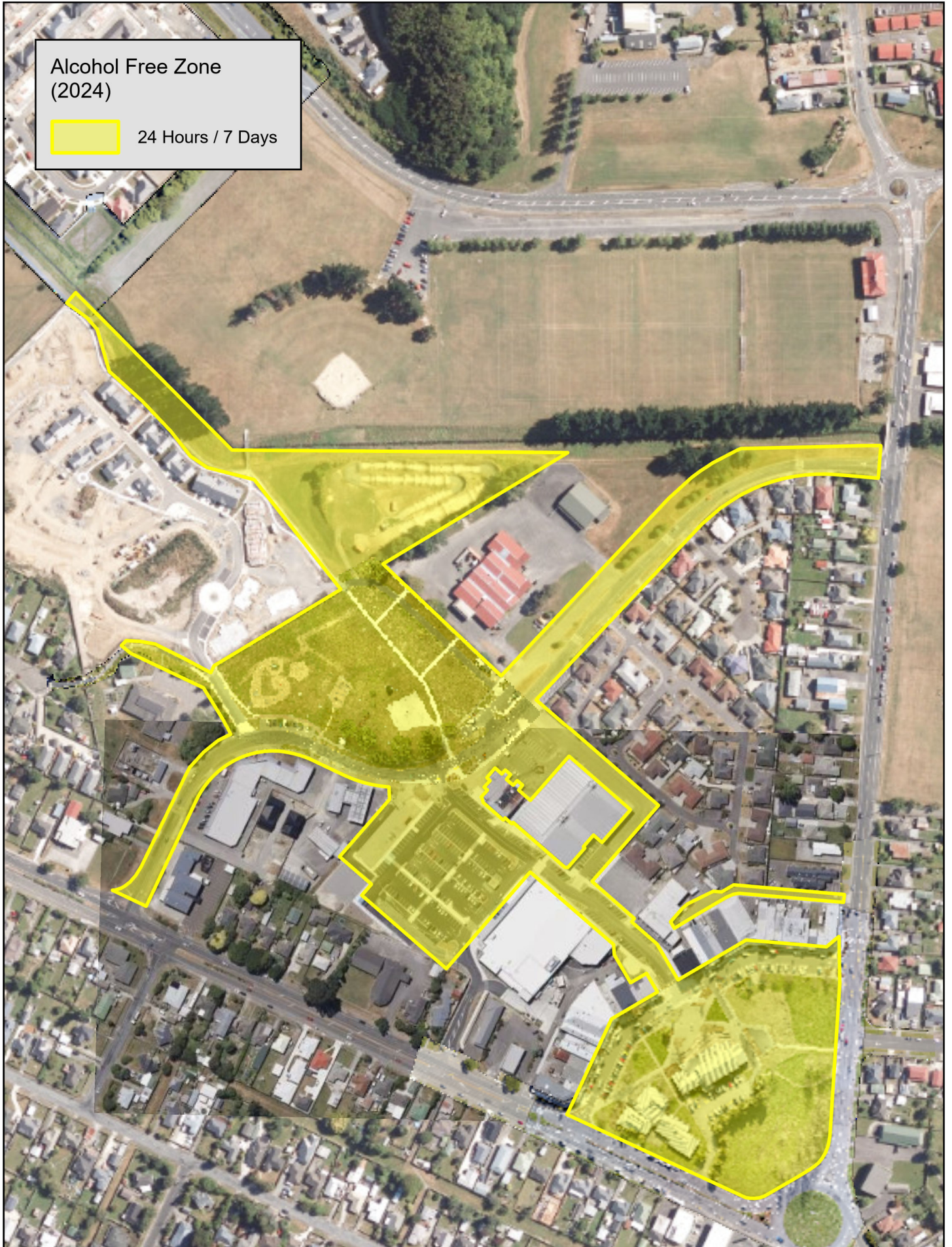
24 Hours / 7 Days

Moores Valley Rd

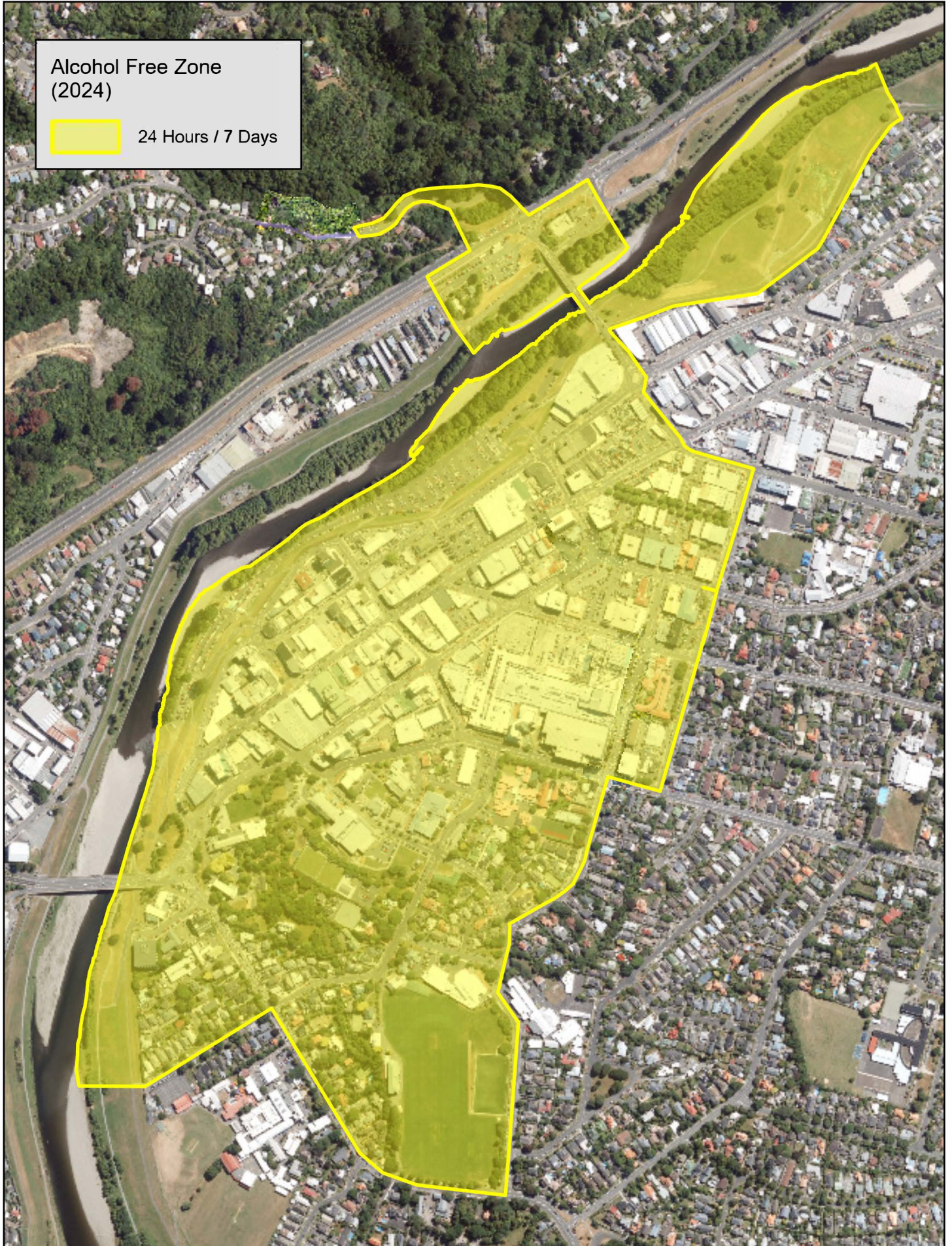
Pakura Pl

Main Rd



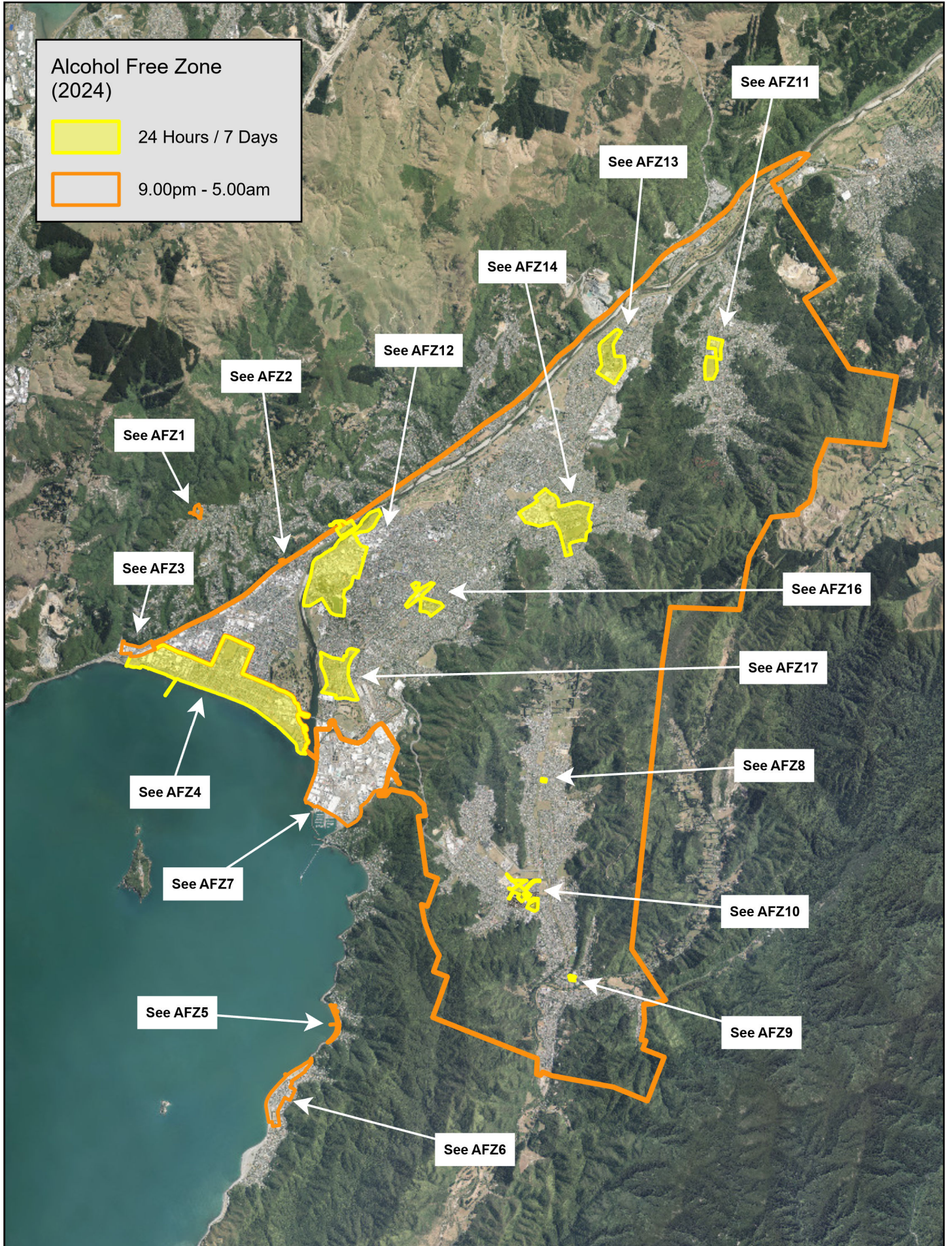
















Alcohol Free Zone
(2024)



24 Hours / 7 Days

