

## 1. NEW YEAR'S EVE EVENTS: PROHIBITION OF VEHICLES AND CONSUMPTION OF LIQUOR

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Corporate Plan Output: Control of Public Places	

The purpose of this report is to seek the Council's approval for road closures and liquor prohibitions for New Year's Eve celebrations to be held in and around Cathedral Square and Spencer Park.

### LEGISLATIVE CHANGES

Formerly, these restrictions were approved pursuant to delegated power, and there was hence no need to seek the Council's approval. However, the Local Government Amendment Act 1999 changed the Council's powers to prohibit the movement of vehicles and the consumption of liquor in public places.

One of the principal effects of this change is that the restrictions which have previously been applied for the New Year celebrations in places under the Council's control can now only be applied using the special consultative procedure set out in section 716A of the Local Government Act. As with the making of bylaws and other Special Order procedures, this requires a resolution of first meeting, subsequent public notification of the proposed restrictions to allow any parties affected to make written submissions, and the passing of a confirming resolution at a subsequent meeting.

The restrictions proposed for this year's end of year celebrations are set out below. In most cases, they follow closely restrictions imposed in previous years, with the exception of Spencer Park.

As Spencer Park is now leased, it cannot be defined as a "public place" under the provisions of the legislation, although the lessee will be able to impose any traffic and liquor restrictions which he deems fit. Because previous celebrations have extended beyond the camping ground itself, restrictions are proposed for roads leading into the camp and other nearby land controlled by the Council.

### SPENCER PARK

#### **Specified Days and Times During Which Prohibited Acts Will Apply**

Between the hours of 6pm on Sunday 31 December 2000 and 6am on Monday 1 January 2001.

#### **Specified Public Places in Vicinity of Spencer Park**

At Spencer Park situated on the southern side of Heyders Road, commencing from 71 Heyders Road, Spencerville and continuing to the beach access and including car parking areas.

### CATHEDRAL SQUARE

#### **Specified Days and Times During Which Prohibited Acts Will Apply**

Between the hours of 8.30pm on Sunday 31 December 2000 and 1am on Monday 1 January 2001.

#### **Specified Public Places in and Around Cathedral Square**

Worcester Boulevard between Rolleston Avenue and Cathedral Square  
Worcester Street between Cathedral Square and Manchester Street  
Colombo Street between Hereford Street and Gloucester Street  
Tramway Lane from Worcester Street to Hereford Street  
Oxford Terrace between Worcester Street and Hereford Street  
Strand Lane  
Press Lane

### ACTS PROHIBITED IN FOREGOING PUBLIC PLACES

The following acts are prohibited in the specified public places during the specified days and times:

1. The use of ordinary vehicular traffic.
2. The consumption of liquor.
3. The bringing of liquor into the specified public places.
4. The possession of liquor.

## **EXEMPTIONS FROM PROHIBITIONS**

The prohibitions exclude:

- (a) The use of a vehicle by a person residing in premises on land having a frontage to the public place concerned or by genuine visitors of the person.
- (b) The transport of liquor from premises on land having a frontage to the public place concerned if:
  - (i) The liquor is being delivered by a person residing on the premises or by the person's genuine visitors to a place outside the public place; and
  - (ii) The liquor is promptly removed from the public place.
- (c) The transport of liquor from outside the public place concerned if:
  - (i) The liquor is being delivered to a person residing on premises having a frontage to the public place or to the person's genuine visitors; and
  - (ii) The liquor is promptly removed from the public place.
- (d) The transport of liquor from premises on land having a frontage to the public place concerned if:
  - (i) The liquor has, under the Sale of Liquor Act 1989, been sold on the premises for consumption off the premises; and
  - (ii) The liquor is promptly removed from the public place.
- (e) The transport of liquor from outside the public place concerned for delivery to premises on land having a frontage to the public place concerned if:
  - (i) The liquor may, under the Sale of Liquor Act 1989, be sold on the premises; and
  - (ii) The liquor is promptly removed from the public place.
- (f) The driving or riding of a motor vehicle by a person residing in premises on land having a frontage to the specified public places or by his or her bona fide visitors.
- (g) Buses, taxis, emergency service vehicles or Council vehicles.

## **POWERS OF POLICE**

- 1. A member of the police may, without a warrant:
  - (a) Arrest a person whom the member of the police finds committing an offence against section 709G.
  - (b) While a prohibition is in force, arrest a person whom the member of the police has reasonable cause to suspect of having committed an offence against section 709G.
- 2. A member of the police may, without a warrant, search:
  - (a) A vehicle in, entering, or about to enter a public place, in respect of which a prohibition under 1 or more of paragraphs (b) to (d) of section 709C(2) is in force, for the purpose of ascertaining whether or not the vehicle contains liquor.
  - (b) A container (for example, a parcel, package, bag, or case) in the possession of a person who is in, entering, or about to enter a public place, in respect of which a prohibition under 1 or more of paragraphs(b) to (d) of section 709C(2) is in force, for the purpose of ascertaining whether or not the container contains liquor.

3. Before exercising the power of search in subsection (2), a member of the police must:
  - (a) Inform the person in possession of the vehicle or container of the provisions of subsection (4); and
  - (b) If the person is in possession of the vehicle or container in the public place, give the person a reasonable opportunity to remove the vehicle or container from the public place.
4. A member of the police must not exercise the power of search in subsection (2) if the person in possession of the vehicle or container removes it from, or refrains from taking it into, the public place concerned.
5. A member of the police may seize and remove liquor and its container or any other container that the member of the police has reasonable cause to believe would be evidence of the commission of an offence against section 709G.
6. Liquor or a container seized under subsection (5) is forfeited to the Crown if the person from whom the liquor or container is seized is convicted of an offence against section 709G.

#### **PENALTY**

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, knowing that a prohibition is in force, contravenes the prohibition.

- Recommendation:**
1. That pursuant to section 709C of the Local Government Act 1974, the Christchurch City Council resolve to impose a prohibition on the use of ordinary vehicular traffic and the consumption of liquor in the public places during the days and times specified in this report.
  2. That the Council Secretary be authorised to give public notice that the proposed prohibitions will be submitted to an ordinary meeting of the Council to be held on Thursday 14 December 2000, for confirmation.
  3. That the Council Hearings Panel be delegated power to hear any resulting submissions, and make a recommendation to the December Council meeting.