

REPORT OF THE COUNCIL SECRETARY

1. PROPOSED CENTRAL CITY LIQUOR BAN

INTRODUCTION

At its meeting on Wednesday 13 November 2002, the Council resolved to undertake the special consultative procedure under section 716A of the Local Government Act 1974 to invite submissions on a proposal to prohibit the consumption, bringing and possession of liquor in all public places within the central city area shown on the attached map, on the following days and times:

Thursday night from 7pm until Friday morning 7am
Friday night from 7pm until Saturday morning 7am
Saturday night from 7pm until Sunday morning 7am

BACKGROUND

It will be recalled that the proposed ban followed a request by the Police, who advised that a similar ban in Auckland's Queen Street has to date resulted in approximately a 35% reduction in disorder and assaults and what are classed as general assaults and that a ban in New Plymouth has resulted in approximately 28% similar reductions. The Police advised that a similar effect can be expected in Christchurch.

Section 709C(1) of the Act requires that the Council be satisfied on reasonable grounds that liquor will be present in a public place on a specified day and that the presence of liquor in the public place on that day is likely to lead to the commission of a number of offences against the Summary of Offences Act 1981.

The Police have advised that the presence of liquor does lead to offences against the Summary of Offences Act within the central business district.

The Police also advise that it is not their intention to utilise the powers by way of actual prosecution unless absolutely necessary and that they intend to educate the drinking youth/public that the carrying and drinking of alcohol within the business district is not acceptable behaviour.

The Police's policy will be an ongoing education phase of public education, public notices and signposts and warnings, with prosecution as a last resort. It will be necessary for the Council to place signage in the prohibited area.

Enforcement of the liquor ban would be the responsibility of the Police and not the Council.

PUBLIC SUBMISSIONS

Attached to the agenda is a schedule listing the 68 submissions received from members of the public regarding the proposed liquor ban. As can be seen, most submitters support the proposed ban. Other submitters have suggested that similar bans be imposed in other areas of the city, or have raised questions regarding its enforcement.

It will be noted that a number of submissions request that the area of the ban be extended, including to the whole of the city. The statutory requirement is that a ban can only be imposed where the presence of liquor is likely to lead to the commission of offences under the Summary Offences Act. The information provided by the Police that liquor is likely to lead to the commission of offences relates only to the area shaded on the attached map and consequently the Council does not have the power at this meeting to extend the area of the ban.

I note that the Local Government Bill contains a new bylaw making power which would enable the Council to prohibit liquor consumption in public places city wide if it wished to do so. The issue of a city wide ban could be considered once the Bill has been enacted.

Only one submitter has asked to be heard in person by the Council at the special Council meeting. Inspector Lawrie of the Police will be in attendance at the special Council meeting to address questions raised by some of the submitters, and answer any questions which may be raised by Councillors.

1 Cont'd

Recommendation: Should the Council decide to confirm the proposed ban, a draft resolution for consideration would be:

"That pursuant to section 709C of the Local Government Act 1974, the Christchurch City Council resolves to impose the following prohibition on the consumption of liquor:

CENTRAL CITY

Specified Days and Times During Which Prohibited Acts will Apply

Each Thursday night from 7pm until Friday morning 7am

Each Friday night from 7pm until Saturday morning 7am

Each Saturday night from 7pm until Sunday morning 7am

Specified Public Places

In all public places within the central city area as delineated on the shaded area shown on map mp 011048.gws dated 11 November 2002.

ACTS PROHIBITED IN FOREGOING PUBLIC PLACES

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

- (a) The consumption of liquor;*
- (b) The possession of liquor; and*
- (c) The bringing of liquor into the specified public places.*

EXEMPTIONS FROM PROHIBITION

The prohibitions exclude:

- (a) 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.**
- (b) 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.**
- (c) 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.**
- (d) 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.**
- (e) Any land where the sale or consumption of liquor is authorised by any licence granted under the Sale of Liquor Act 1989.*

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POWERS OF POLICE

1. *A member of the police may, without a warrant exercise the following powers under the relevant provisions of the Local Government Act 1974:*
 - (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."

CONSIDERED THIS 20TH DAY OF DECEMBER 2002

MAYOR