

26. 6. 2003

## NOTICES OF MOTION

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

The following resolution should be adopted:

*"The public notice required by the Local Government Act 1974 having been given in the Christchurch Press newspaper on Friday 23 May 2003, and no objections having been received, the following resolution is hereby adopted:*

*'That pursuant to section 709A of the Local Government Act 1974, the Christchurch City Council resolves to impose the following prohibitions on the use of ordinary vehicular traffic and the consumption of liquor:*

#### **SPENCER PARK**

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

*Between the hours of 6pm on Wednesday 31 December 2003 and 6am on Thursday 1 January 2004.*

##### ***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 Wednesday 31 December 2003 and 6am on Thursday 1 January 2004.*

##### ***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 Armagh Street and the Bridge of Remembrance on the western side of the eastern kerbline  
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.*

## **1 Cont'd**

- (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.*

## **1 Cont'd**

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.*

## **2. CONFIRMATION OF SPECIAL ORDER REVOKING PEDESTRIAN MALL BETWEEN SEAVIEW ROAD AND ORAM AVENUE**

At its meeting on Thursday 24 April 2003 the Council commenced the Special Order procedure required to revoke the 1978 Special Order declaring a pedestrian mall in New Brighton, in respect of that part of the mall between Seaview Road and Oram Avenue.

The Council also appointed a subcommittee to hear any objections lodged in respect of the proposal, prior to confirmation of the Special Order. Having heard and considered the objections, the Subcommittee will be reporting to the present meeting recommending that the Council proceed with the revocation of the pedestrian mall between Seaview Road and Oram Avenue. (The Subcommittee's report will be separately circulated.)

The Council is therefore requested to consider and if thought fit to adopt the following resolution:

*"The public notice required by the Local Government Act 1974 having been given in the Christchurch Press and Christchurch Star newspapers on Friday 9 May 2003, Saturday 10 May 2003, Friday 13 June 2003 and Saturday 14 June 2003, the Council confirm the Special Order resolution adopted at its meeting on Thursday 24 April 2003, providing for the revocation of the 1978 Special Order declaring a pedestrian mall in New Brighton, in respect of that part of the mall between Seaview Road and Oram Avenue."*