

SUPPLEMENTARY NOTICES OF MOTION

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

Officer responsible Council Secretary	Author Max Robertson, Council Secretary, DDI 941-8533
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Because of pending changes to the relevant legislation, it is desirable for the Council to give its early approval for the usual road closures and liquor prohibitions which have traditionally been imposed for New Year's Eve celebrations to be held in and around Cathedral Square and Spencer Park.

BACKGROUND

It is necessary for the Council to implement restrictions on the movement of vehicles and consumption of liquor in public places under sections 709A and 709C of the Local Government Act. It is desirable that any such resolution should be adopted at the meeting today to allow an adequate period for notification.

The restrictions proposed for the New Year's Eve period are set out below and follow those imposed in 2002.

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.
- (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 sections 709A and 709C of the Local Government Act 1974, the Christchurch City Council resolves 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 the required public notice that the prohibitions will be submitted to an ordinary meeting of the Council to be held on Thursday 26 June 2003, for confirmation.
 3. That the Council Hearings Panel be delegated power to hear any resulting submissions, and make a recommendation to the June Council meeting.