

26. 2. 2004

**REGULATORY AND CONSENTS COMMITTEE
23 FEBRUARY 2004**

**A reconvened meeting of the Regulatory and Consents Committee
was held on Monday 23 February 2004 at 11.15am**

PRESENT: Councillor Sue Wells (Chair),
Councillors Megan Evans, Lesley Keast and Norm Withers.

APOLOGIES: Apologies for absence were received and accepted from
Councillors David Cox and Gail Sheriff.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. PROPOSED LIQUOR BAN: COLOMBO STREET SOUTH

Officer responsible Environmental Health Policy Leader	Author Terence Moody, Environmental Health Policy Leader, DDI 941-8834
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The purpose of this report is to advise the Council on the definition of the proposed Colombo Street south liquor ban area as considered by the reconvened Regulatory and Consents Committee meeting on 23 February 2004.

INTRODUCTION

On 11 February 2004, the Regulatory and Consents Committee decided prior to reporting to the Council on this matter;

"That the Alcohol Policy Subcommittee meet with Police on Friday 13 February 2004 to define the Colombo Street south liquor ban area and report back to the reconvened meeting of the Regulatory and Consents Committee on 23 February 2004."

On 13 February 2004, the Alcohol Policy Subcommittee met with Sergeant Jeff Bland of the NZ Police to discuss policing matters arising from the proposed liquor ban in the area. While it was suggested that the main area of concern was along Colombo Street, particularly in the largely commercial areas, there was some spill over from time to time into other areas within the suggested zone. It was agreed that there were problems along the Moorhouse Avenue strip particularly under the various bridges.

The Subcommittee considered it was more appropriate to create clear boundaries by streets and to provide for a 24 hour, seven day a week prohibition for purposes of clarity and consistency with the proposed central city liquor ban.

Following these discussions the Subcommittee asked the Regulatory and Consents Committee to approve the following recommendations:

- "1. That in response to the request from the New Zealand Police the Council introduce a bylaw under Section 147 of the Local Government Act 2002 which covers the Colombo Street South area (see attached map) bounded by Moorhouse Avenue, Waltham Street, Centaurus Road, Lyttelton Street, Somerfield Road to Strickland Street adjoining Moorhouse Avenue.*
- 2. That the Colombo Street liquor ban be in force on a 24-hour, seven-day a week basis."*

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DISCUSSION

On 23 February 2004, the Regulatory and Consents Committee considered these recommendations and raised some matters of concern regarding the wide area covered by the proposed ban, including the coverage of largely residential areas and the restrictions this might place on 'street parties' held by neighbourhood groups in the areas. Concern was also expressed regarding the possible restrictions placed on functions held on parking areas in commercial and industrial areas.

In regard to the latter it was advised that the power to make bylaws for liquor control purposes relates only to public places, which are defined as follows:

Public place -

- (a) means a place -
 - (i) that is under the control of the territorial authority; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes -
 - (i) a road, whether or not the road is under the control of a territorial authority; and
 - (ii) any part of a public place.¹

This is different from the definition of "public place" contained in the Summary Offences Act 1981 which states:

"Public place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward."

From these differing definitions the Council should note that the controls proposed to be included in any liquor ban bylaw would only be available to the Police on roads (including footpaths), parks and reserves, and any other areas under the control of the Council, but not private car parks or private driveways.

The Council could decide either;

1. To adopt the recommendations of the Alcohol Policy Subcommittee in regard to the area to be covered by the proposed Colombo Street south liquor ban, including the 24 hour, seven day a week coverage, (or a number of other options for the area), or;
2. Not to apply a liquor ban in Colombo Street south at this time.

If the Council resolved to introduce a liquor ban bylaw the details of the areas covered could be determined at the time the bylaw was prepared for presentation to the Council. It should be noted that once the bylaw is prepared it is required to be put out for public consultation and the definition of the areas will be able to be further considered.

¹ Section 147, Local Government Act 2002

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Recommendation: That the Council determine whether a liquor ban should be imposed in the Colombo Street south area as part of any bylaw under section 147 of the Local Government Act 2002 and that the area covered, and specific times during which any such ban should apply, be further considered during the bylaw drafting process.

The meeting closed at 11.55pm

CONSIDERED THIS 26TH DAY OF FEBRUARY 2004

MAYOR