

**ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE
6 AUGUST 2008**

**A meeting of the Alcohol Policy and Liquor Control Bylaw Subcommittee
was held on 6 August 2008 at 1pm**

PRESENT: Councillor Sue Wells (Chairman),
Councillors Helen Broughton, Ngaire Button, Yani Johanson,
Claudia Reid, Bob Shearing and Chrissie Williams.

IN ATTENDANCE: Councillor Withers

APOLOGIES: Apologies for absence were received and accepted from
Councillors Sally Buck and Mike Wall.

Councillor Johanson departed at 2.45pm and was not present for
part of clause 2.

1. ALCOHOL POLICY AND LIQUOR CONTROL BYLAW MATTERS

It was reported that the focus for the meeting was the areas the bylaw might cover, as suggested by the New Zealand Police, Councillors and Community Board members.

A report dated 6 August 2008 was tabled which covered:

- Background/Summary of the potential coverage of the liquor ban bylaws
- Analysis required for bylaws generally
- Outcome/Recommendations on whether or not to proceed with further analysis on possible liquor ban areas.

Particular attention was drawn to the bylaws having:

- Limitations in terms of coverage
 - Only council-controlled land, not private land
 - Only the consumption or possession of alcohol, not behaviour arising from alcohol
- Must be reasonable (Bylaws Act) and not give rise to implications under the Bill of Rights Act
- Section 155 Analysis requirements under the Local Government Act.

A variety of questions or comments were made in respect of these:

- The need to look at the affect of the Bill of Rights
- The provision of evidence regarding the appropriateness of imposing a ban
- What would be the affect if there was no ban in place?
- Were there other things happening such as public safety?
- Could there be a ban citywide covering public places?
- Signage requirements and cost implications
- Would the problem just shift from one area to another?

It was agreed that some areas be confirmed as needing a full section 155 analysis, and that other areas needed further initial analysis and advice before the Subcommittee could decide if a full section 155 analysis was needed.

The Subcommittee was advised that a member of the New Zealand Police was now part of the staff team working on the liquor ban bylaw, Senior Sergeant Richard Bruce.

2. CURRENT LIQUOR CONTROL AREAS COVERED BY BYLAWS

Areas where the need for a formal (s.155) evaluation was agreed by the Subcommittee (and notes on further advice sought)

Ban	Way forward
Central City – current ban & proposed extension (Hagley Park)	<ul style="list-style-type: none"> • s. 155 analysis needed • Split into three <ol style="list-style-type: none"> 1. Extend across the road 2. Hagley Park extension proposal <ol style="list-style-type: none"> a. North Hagley b. South Hagley c. Little Hagley → (Botanic Gardens?) 3. Hours – ban in evening/overnight only? • Reduce size? Evidence eg residential areas • Hot spots? • Border issues – more info from Police • Justification for 24hr, 7 day – evidence? • DHB Emergency Room stats
Colombo Street South – current ban	<ul style="list-style-type: none"> • s. 155 analysis needed
Sumner Esplanade – current ban, extension of hours	<ul style="list-style-type: none"> • s. 155 analysis needed • Extension of hours? • Evidence of a problem?
Spencer Park – current ban	<ul style="list-style-type: none"> • s. 155 analysis needed • Evidence of a problem? • Camping ground covered or not “under the control of Council”? • Other mechanism for only one night (NYE) eg by resolution?
Akaroa – current ban, extension of hours (question)	<ul style="list-style-type: none"> • s. 155 analysis needed • Extension of days to peak holiday period? • Evidence of a problem? • Police view? • Clarify Police stats (nil offences) – evidence of use/effectiveness of bylaw?
New Brighton Mall & Marine Parade Area – proposed new ban (Police)	<ul style="list-style-type: none"> • s. 155 analysis needed • Expand to include the beach area • Evidence along Marine Parade - Police

Areas where further information is needed before the Subcommittee can decide whether a formal (s. 155) evaluation is needed (and notes on further advice sought)

Ban	Way forward
Jellie Park – proposed new ban (Police)	<ul style="list-style-type: none"> • Further initial investigation needed • Evidence of a problem? • Problems related to refurbishment? • Problems related to skate park – under age drinking? Police advice • Bylaw appropriate tool • Talk to facility manager • Talk to Fendalton/Waimairi Community Board
Merivale Mall Area & Surrounds – proposed new ban (Police)	<ul style="list-style-type: none"> • Further initial investigation needed • Evidence of a problem that a bylaw can control • Evidence/justification for the area requested by Police • Area covers only roads, no parts - ? • Talk to McDonald's & Merivale – does the Mall close the carpark with barrier arms? • Police – search & seizure - concern
Northlands Mall Area & Surrounds – proposed new ban (Police)	<ul style="list-style-type: none"> • Further initial investigation needed • Evidence/justification for the area requested by Police • Main North Road – issues of drinking along the road? • Lots of licensed premises – do problems arise there? SoLA
A ban in all parks in the city (Police) – proposed new ban	<ul style="list-style-type: none"> • Further initial investigation needed • Legal advice <ul style="list-style-type: none"> → Reasonableness → Limit hours to darkness/late at night to overnight? → Signage advice • Police evidence/advice • Definition of park eg include areas like the Port Hills? • RFS data – broken glass, vandalism, etc – talk to Park Rangers

Ban	Way forward
Area around the University of Canterbury – proposed new ban	<ul style="list-style-type: none"> • Further initial investigation needed • Evidence of a problem that a bylaw can control • Dunedin has a ban around the University • Further advice/evidence from Police + stats • Why was it discarded last time – in 2004, when the current bylaw was established • Area? Talk to Police
A ban across the whole city (question)	<ul style="list-style-type: none"> • Further initial investigation needed • Legal opinion requested • Police view
A ban along part of the Summit Road (question)	<ul style="list-style-type: none"> • Further initial investigation needed • Advice sought from Police – evidence, area, etc

No further action required

A ban in Lyttelton (question)	<ul style="list-style-type: none"> • No further action required
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Summary of Recommendations

The Subcommittee, in principle, supported the recommendations as scheduled, noting that some areas appeared to have a lower rating than others, but that the Subcommittee is desirous of further information being supplied, particularly from the Police, as noted in the comments.

The structure and content of the bylaw will be the focus of the next meeting, together with further information relating to some areas (ie those where initial analysis and advice was needed, before the Subcommittee could decide if a full section 155 analysis was to go ahead.

The meeting concluded at 2.55pm.

**BROTHELS LOCATION AND SIGNAGE BYLAW SUBCOMMITTEE
6 AUGUST 2008**

**A meeting of the Brothels Location and Signage Bylaw Subcommittee
was held on Wednesday 6 August 2008 at 3pm**

PRESENT: Councillor Sue Wells (Chairperson),
Councillors Helen Broughton, Claudia Reid, Bob Shearing and
Chrissie Williams.

IN ATTENDANCE: Councillor Norm Withers

APOLOGIES: Apologies for absence were received and accepted from
Councillors Sally Buck, Yani Johanson, and Mike Wall.

Councillor Chrissie Williams departed at 3.35pm and was not
present for part of clause 3.

1. PROSTITUTION REFORM ACT 2003 AND BROTHELS BYLAWS

Terry Moody, Principal Adviser, Environmental Health, tabled briefing notes covering:

- The Prostitution Reform Act 2003 in relation to territorial authority powers
- The Christchurch City Brothels (Location and Signage) Bylaw 2004
- The results of the Judicial Review of the Bylaw
- The report of the Prostitution Law Reform Review Committee on the operation of the Prostitution Reform Act

He concluded his remarks by advising that the bylaw review needed to be completed by July 2009.

In discussion that followed, comment was made in respect to:

- The need to determine whether or not the Council went through a full review process, even if it was to let the current Bylaw lapse
- The legal mechanisms available needed to be rechecked
- Did a nuisance still exist?
- What was the regulatory aspect of signage

The Subcommittee received the information provided.

Note: A copy of the current bylaws to be made available to members and clarification obtained on the signage allowed.

The meeting concluded at 3.45pm.