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## 8. ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT (RICCARTON/ILAM) BYLAW 2011 HEARINGS PANEL REPORT

Author:	Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 Hearing Panel
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### PURPOSE OF REPORT

1. This is the report of the Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 Hearings Panel (the Panel). It summarises the submissions received on the proposed Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 (proposed Amendment Bylaw) and contains recommendations from the Panel to make minor alterations to the proposed Amendment Bylaw in certain respects, as well as other recommendations related to matters outside of the Amendment Bylaw. The proposed Amendment Bylaw (with the recommended changes highlighted) is included with this report as **Attachment 1**, and a final version of the Bylaw recommended for adoption is included as **Attachment 2**.

### EXECUTIVE SUMMARY

2. The purpose of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (2009 Bylaw) is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by placing restrictions on alcohol in some public places. The proposed Amendment Bylaw amends the 2009 Bylaw to create a new Permanent Alcohol Ban Area for Riccarton/Ilam.
3. At its 28 April 2011 meeting, the Council declared a temporary alcohol ban area in Riccarton/Ilam that would apply 24 hours per day and seven days per week, commencing on 19 May 2011 and ending on 30 November 2011.
4. On 23 June 2011 the Council resolved that a special consultative procedure should be undertaken on an amendment to the 2009 Bylaw to add a permanent alcohol ban area for Riccarton/Ilam. Submissions on the proposed Amendment Bylaw were open between 8 July and 10 August 2011. There were 92 submissions received during the consultation period, with one submitter providing a revised submission. Of the 91 submitters, 74 (81.3 per cent) support the Amendment Bylaw in whole or in part and 17 (18.7 per cent) oppose it. Although seven submitters initially requested to be heard by the Panel in support of their submissions, three withdrew prior to the hearings. The hearings were held on 1 September 2011. The Panel was chaired by Councillor Claudia Reid, and the Panel members were Councillors Helen Broughton, Tim Carter, Jimmy Chen, and Aaron Keown.
5. The Panel recommends that:
  - The Council adopt the proposed Amendment Bylaw (with minor changes).
  - Give notice as soon as practicable that the Amendment Bylaw has been adopted, if the Council adopts the Amendment Bylaw.
  - The Council resolve to undertake a non-statutory review of the permanent alcohol ban in the Riccarton/Ilam area two years after the Amendment Bylaw is adopted.
6. Some changes are recommended to the proposed Amendment Bylaw as a result of submissions, as follows:
  - Correct the title of the bylaw to Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011.
  - Add the words "as indicated on the map below" to Schedule 1.
  - Modify the area description in Schedule 1 to add the words "including University Drive but excluding the other private roads on University of Canterbury property".

**8 Cont'd**

7. Other suggested changes are to the wording of some clauses and explanatory notes in the proposed Bylaw. No changes (from what was proposed) are recommended to either the Alcohol Ban Area or the times or days during which the restrictions will apply. The suggested changes are referred to in more detail throughout this report, and a full copy of the proposed Bylaw, with the changes indicated, is attached as Attachment 1. The Panel also recommends to the Council that it takes several other steps relating to issues arising out of submissions. These are referred to throughout this report and in the recommendations section at the end of the report.

**DEVELOPMENT OF PROPOSED AMENDMENT BYLAW**

8. Following the 22 February 2011 earthquake many parts of the city were seriously damaged and the majority of the central city was cordoned off. In regards to alcohol, central city bars and other drinking establishments were inaccessible. Police have identified a very clear trend where patronage of bars has moved to a number of surrounding suburbs, including Riccarton/Ilam. As a consequence, Police requested Council impose a temporary alcohol ban in these areas.
9. At its 28 April 2011 meeting, the Council declared a Temporary Alcohol Ban in Riccarton/Ilam that would apply 24 hours per day and seven days per week, commencing on 19 May 2011 and ending on 30 November 2011.
10. At the 26 May 2011 Council meeting, the Council resolved that staff should undertake an analysis of the need for a permanent alcohol ban area in Riccarton/Ilam in accordance with section 155 of the Local Government Act 2002. In order to add new Permanent Alcohol Ban Areas the Council must amend the 2009 Bylaw. This is because the 2009 Bylaw sets out the Permanent Alcohol Ban Areas in the Schedule of the Bylaw. Similarly, in order to change any aspects of the current Permanent Alcohol Ban Areas, the Council must use the special consultative procedure as these form part of the 2009 Bylaw.
11. At the 23 June 2011 Council meeting staff reported on the section 155 analysis. The analysis determined that adding the Riccarton/Ilam area to the Schedule of Permanent Alcohol Ban areas, which must be done through an amendment to 2009 Bylaw, would be an effective tool to manage the potential downstream effects of alcohol in public places in Riccarton/Ilam.
12. On 23 June 2011, Council resolved that:
  - A special consultative procedure on the proposed Amendment Bylaw should be undertaken;
  - A hearings panel should be appointed to hear submissions; and
  - The hearings panel should report back to Council on the matter in October 2011.

**CONSULTATION AND SUBMISSIONS**

13. A special consultative procedure on the proposed Amendment Bylaw was undertaken from 8 July to 10 August 2011.
14. The consultation process was publicly notified in The Press and other local print publications and as well as the Council web site. In addition, letters were sent to residents in the proposed alcohol ban area.
15. A summary document, including a submission form, was available at Council facilities. In addition, a public consultation portal was provided on the Council's Have Your Say web pages. An online version of the submission form was also provided through the Have Your Say page.

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16. Submissions were received via the Council's Have Your Say web site, email, and hard copy submissions. There were 92 submissions received during the consultation period. One of the submissions was a revision of an earlier submission made by the same individual, so the total number of submitters was 91. Of the 91 submitters:
- 77 were individuals
  - 5 were residents' associations<sup>1</sup>
  - 2 were community boards<sup>2</sup>
  - 7 were organisations<sup>3</sup>
17. Out of the 91 submitters, 74 submitters (81.3 per cent) supported the Amendment Bylaw in whole or in part and 17 submitters (18.7 per cent) opposed it.
18. The Panel met to hear oral submissions and consider written submissions on 1 September 2011 at the Beckenham Service Centre.
19. Although seven submitters initially requested to be heard by the Panel in support of their submissions, three withdrew prior to the hearings. Two of the submitters that appeared before the Panel largely reiterated the points made in their written submissions. Two submitters provided some additional information, with the representative of the Central Riccarton Residents' Association providing some photographs of disturbances in the Riccarton/Ilam area, and the representatives of the New Zealand Police providing current crime statistics of the area.

## SUMMARY OF SUBMISSIONS

20. Of the 91 unique submissions, the majority of submissions provided one or more reasons for the submitters' positions on the matter. Approximately one-quarter of the submissions were brief and indicated support for or opposition to the propose Amendment Bylaw without elaborating on the reasons. A few submissions included additional comments not directly applicable to the proposed Amendment Bylaw.
21. 68 submitters (74.7 per cent) fully supported the proposed Amendment Bylaw. The table below summarises the reasons given by submitters who support the proposed Amendment Bylaw

Reason	Number of submitters*
Street disturbances/littering/vandalism due to alcohol	27
No reasons were provided	20
Temporary alcohol ban has improved public safety	19
Migration of bar district to Riccarton post-earthquake exacerbated problem	6
Alcohol ban provides effective tool to manage problem	6
Bylaw makes it easier to maintain law and order, ensure safe streets	3
Alcohol ban promotes responsible drinking	2
Those causing disturbances need to understand it is not acceptable	1

\* Note: Some submitters provided more than one reason for their positions.

<sup>1</sup> Upper Riccarton/Ilam Neighbourhood Support, Central Riccarton Residents' Association Inc, Templeton Residents Association Inc, Hamilton Ave & Otara St Residents Association, Community Watch Riccarton Inc.

<sup>2</sup> Fendalton/Waimairi Community Board, Riccarton/Wigram Community Board.

<sup>3</sup> Residents of 71 Matipo St, University of Canterbury Students' Association, University of Canterbury, New Zealand Police (Hornby), unnamed organisation (65 persons), unnamed organisation (unknown number of persons), unnamed organisation (6 persons).

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22. 6 submitters (6.6 per cent) indicated partial support for the proposed Amendment Bylaw. The table below summarises the reasons provided in the submissions that partially support the proposed Amendment Bylaw.

Reason	Number of submitters*
Support a ban, but offending should not be criminal offence; offenders should get ticket or be fined instead	3
Should not be 24-hr ban; consider evening/early morning only	2
Concerned over applicability to private roads	1

23. 17 submitters (18.7 per cent) did not support the proposed Amendment Bylaw 2011. The table below summarises the reasons submitters gave for their opposition to the proposed Amendment Bylaw.

Reason	Number of submitters*
Restricts people's freedom (e.g., people should be able to enjoy wine at a picnic)	12
Bylaw is heavy handed approach	7
Will not be effective	4
Public disturbances not necessarily alcohol-related	3
Existing legislation already exists to allow for prosecution of antisocial behaviour	3
No reasons were provided	1
Alcohol bans in limited areas only push problem elsewhere	1
No more need to have permanent alcohol ban in this residential area than any other residential area in Christchurch	1
No evidence that temporary ban has been effective	1
A criminal conviction is disproportionate to the offence of having alcohol in a public place	1
The right to search people in the ban area is disproportion to the possible offence	1

\* Note: Some submitters provided more than one reason for their positions.

#### COMMENTS ON PROPOSED AMENDMENT BYLAW

##### Need for a permanent alcohol ban in Riccarton/Ilam

24. Some submitters suggested that a permanent alcohol ban is not needed, for reasons such as:
- A permanent ban would not be effective.
  - Legislation already exists to allow for prosecution of anti-social behaviour.
  - An alcohol ban in Riccarton/Ilam would only push the problem to another area.
  - There isn't evidence that the temporary ban has been effective.
25. A significant majority of submitters supported a permanent alcohol ban in Riccarton/Ilam, because:
- The temporary alcohol ban has had a positive effect.
  - A permanent alcohol ban would be an effective tool to manage anti-social behaviour due to alcohol.
  - The problems that existed in the area prior to the earthquake have been exacerbated with a migration of entertainment areas from the central city to Riccarton/Ilam.

**8 Cont'd**

26. The Police commented that an alcohol ban is one tool to assist Police in dealing with alcohol-related problems.

*The Panel's response*

27. The Panel considered that there could be three possible courses of action; that:
- The temporary alcohol ban could be allowed to lapse.
  - The temporary alcohol ban could be extended.
  - The 2009 Bylaw could be amended to include a permanent ban in the Riccarton/Ilam area.
28. With respect to pursuing an extension to the temporary alcohol ban area, the Panel heard legal advice that:
- There would have to be a sound legal basis for an extension.
  - A temporary alcohol ban area is not intended to be a long-term response.
  - An extension might be viewed as a circumvention of the public consultation process required to create a permanent alcohol ban.
29. The Panel also received legal advice that a six month time frame is a reasonable period of time for a temporary alcohol ban area and should be of sufficient duration to determine whether a permanent alcohol ban might be needed. The temporary alcohol ban area for Riccarton/Ilam is due to expire on 30 November 2011, six months after it was adopted.
30. The Panel considered the strong support from submitters for a permanent alcohol ban. The unanimous view of the Panel is that there is a demonstrated need for a permanent alcohol ban in Riccarton/Ilam, and therefore recommends that the Council adopt the proposed Amendment Bylaw (with recommended minor changes).

**Need for review of a permanent Riccarton/Ilam alcohol ban**

31. The Riccarton/Wigram Community Board, in its submission in support of a permanent alcohol ban, recommended that the Council undertake a review of the ban 12 to 18 months after the Amendment Bylaw is adopted. The review could examine both the effectiveness of the Permanent Alcohol Ban and whether the current alcohol ban area is needs to be adjusted.

*The Panel's response*

32. The Panel heard advice from staff that the Local Government Act 2002 requires councils to review their bylaws, with the first review of a bylaw to be undertaken no more than five years after the bylaw is adopted. Thereafter bylaws are on a 10-year review cycle.
33. The Panel discussed whether a non-statutory review of the Amendment Bylaw (if adopted) should be recommended, and, if so, the time frame in which a review should occur. There was general agreement that a review of the permanent alcohol ban area in Riccarton/Ilam should be undertaken two years after the Amendment Bylaw is adopted, and that the review should be a study of the effectiveness of the alcohol ban and the boundaries of the alcohol ban area.
34. The Panel recommends that the Council undertake a non-statutory review two years after the permanent ban has been in effect.

*Area to be covered by Ban*

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35. Three submitters proposed additions to the alcohol ban area. The areas suggested differed somewhat, but all comprised several blocks to the west of the proposed alcohol ban area. The additional areas suggested were:
- Grahams-Avonhead-Middlepark-Craven-Watts;
  - Avonhead-Parkstone-Brodie;
  - Yaldhurst/Peer-Yaldhurst-Avonhead-Johns-Memorial-Greers
36. The Police commented that the alcohol ban area in the proposed Amendment Bylaw, which is the same as the Temporary Alcohol Ban area, is a simple, well-defined area that eliminates confusion over the area covered by the alcohol ban. They recommended keeping the current alcohol ban area.

*The Panel's response*

37. The Panel considered whether the Amendment Bylaw should include an extended area, additional to the area for which the special consultative procedure was undertaken. The Panel heard legal advice that the substantial size of the additional areas proposed by submitters would not be minor and that an alteration of the alcohol ban area would therefore require further public consultation.
38. The Panel also considered that the temporary alcohol ban area covers the same area as the area in the proposed Amendment Bylaw.
39. The Panel concluded that the alcohol ban area should remain as proposed in the Amendment Bylaw.
40. The Panel agreed that a study of the need for an extension to the permanent alcohol ban area could form part of the review of the Amendment Bylaw.
41. A technical modification to the wording of Schedule 1 was suggested by legal staff, to add the words "as indicated on the map below" so that it would be consistent with the schedules in the 2009 Bylaw. The Panel agreed with this change, and recommends that Schedule 1 be amended accordingly.

**Hours that the alcohol ban is in effect**

42. The hours of the alcohol ban in the proposed Amendment Bylaw are 24 hours a day, seven days a week. Four submissions suggested that the alcohol ban should be limited to evening and early morning hours only, with some variations in the hours proposed. The submitters felt that this would enable people to enjoy alcohol in public places, such as for picnics and community social events, at earlier times of the day. The hours suggested for the ban are as follows:
- 5pm to 9am;
  - 8pm to 9am;
  - 9pm to 9am; and
  - evening "from when the streetlights go on".
43. The Panel noted that the current temporary alcohol ban area in Riccarton/Ilam is in effect 24 hours a day, seven days a week. The Panel heard views that a 24-hour daily alcohol ban is straightforward and uncomplicated, and that the Police supported this coverage for the ban area.
44. The Panel agreed that a 24-hour daily alcohol ban avoids confusion concerning when the ban applies, and that the hours should not be changed. The Panel recommends that a permanent alcohol ban area for Riccarton/Ilam is in effect 24 hours a day seven days a week as proposed during the public consultation.

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**8 Cont'd****Exceptions to the alcohol ban for some venues**

45. In its submission supporting the Amendment Bylaw, the Fendalton/Waimairi Community Board suggested that the entire grounds of Riccarton House and Mona Vale should be covered by their respective liquor licenses, so that members of the public consuming alcohol in the portions of both venues not covered by their current liquor licenses would not be in breach of the Amendment Bylaw.

*The Panel's response*

46. The Panel heard from the Police that they would be using discretion in applying the Amendment Bylaw, and that they would follow their practice of verbal requests to comply and a pre-warning process where appropriate.
47. The Panel was informed that:
- Licensed areas are exempt from alcohol bans under the 2009 Bylaw.
  - One-off special liquor licenses for events can be obtained for events at these, and other, venues, where coverage of existing liquor licenses do not otherwise extend.
  - Riccarton House is owned by a trust. It is not a public place and is therefore not subject to the alcohol ban.
48. The Panel concluded that it would not be necessary to exclude unlicensed areas of Riccarton House, which as noted is not covered by the ban anyway, or Mona Vale from the alcohol ban area, and recommends against excluding these venues from the alcohol ban area. The Panel also recommended the addition of an explanatory note that provides guidance on special liquor licenses for one-off events in public places.

**Applicability of the alcohol ban to University roads**

49. The University of Canterbury noted in its submission that section 147 of the Local Government Act 2002 (LGA 2002) states that public place "includes a road, whether or not the road is under the control of a territorial authority". The University of Canterbury submitted that University-owned land, including roads on University property, should not be subject to the alcohol ban, other than University Drive.

*The Panel's response*

50. Staff advised the Panel that all of the roads on University property are private roads.
51. The Panel heard legal advice that the LGA 2002 does not define the word "road" although other statutes such as the Land Transport Act 1998 define "road" in a relatively wide way. Some of the roads going through University property could be viewed as accessways rather than roads. The Panel was also advised that the Council has some discretion concerning the applicability of the alcohol ban over private roads, in that the Council could determine to exclude those roads from the application of the bylaw.
52. The Panel supported the University's request to exclude roads on University property other than University Drive, and recommends that the Amendment Bylaw specify that the alcohol ban applies to University Drive but not the other private roads on University property.

**Need for definition of open container**

53. One submitter commented that a partially consumed container that is being taken from one location to another, such as carrying a bottle of wine that had been opened from a BYO restaurant, should not be subject to the alcohol ban, and that the Amendment Bylaw should define "open container".

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**8 Cont'd***The Panel's response*

54. The Panel considered the issue of "open" containers. The Panel was advised that LGA 2002 addresses unopened containers but not open containers.
55. The Panel heard from the Police that they will exercise discretion with respect to partially consumed containers which are capped, closed or otherwise sealed.
56. The Panel concluded that it was unnecessary to define open container in the Amendment Bylaw.

**Criminality**

57. Several submitters suggested that the penalty for breach of the Amendment Bylaw was too harsh, and that breaches of the Amendment Bylaw should incur a fine only.
58. The Police stated that they use their discretion in the enforcement of alcohol bans. They have initiated a pre-warning process, in which offenders are arrested and receive a warning but are not prosecuted. The Police are also instituting a new Neighbourhood Policing Team initiative aimed at improving public safety in targeted areas.

*The Panel's response*

59. The Panel received legal advice that the issue of criminality is set under the LGA 2002.
60. The Panel concluded that there is no need to change the Amendment Bylaw. The Panel recommends that the Council should take note of the following matters regarding enforcement of the Amendment Bylaw; that:
  - With respect to the penalties, these are established under the LGA 2002.
  - The Police are utilising a pre-warning process for initial offences of the alcohol ban.
  - The Police are establishing new Neighbourhood Policing Teams.
  - When the Alcohol Reform Bill is enacted, there will be an infringement notice regime for breaches of a liquor control bylaw such as the 2009 Bylaw.

**Signage**

61. The Fendalton/Waimairi Community Board commented that excess signage can be visual pollution and asked that signs, which would be needed for the permanent alcohol ban, utilise existing sign posts.

*The Panel's response*

62. The Panel agrees and recommends the use of existing sign posts as much as possible for signs needed for the permanent alcohol ban.



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**8 Cont'd****COMMENTS NOT DIRECTLY CONCERNED WITH THE PROPOSED AMENDMENT BYLAW****Non-family accommodation**

63. The Central Riccarton Residents' Association expressed concern over the high density caused by non-family rental accommodation. They argue that owners of the rental accommodation are not exercising a reasonable duty of care to tenants or the community and that the high density resulting from the accommodation exacerbates problems in the area, for example student activities spill out onto roads and public spaces. There are also concerns over rental of individual rooms that are not covered by legislation governing motels etc.

*The Panel's response*

64. The Panel recommends that when the Council undertakes the review of the City Plan the issue of non-family accommodation and the issue of individual room rentals are included in light of the high density that these accommodations can create.

**Waste and recycling bins**

65. The Police noted that the presence of rubbish and recycling bins at the kerbside during evening hours provide a temptation to trouble-makers. There have been incidents in which Police and residents have been struck with bottles and rubbish taken from recycling and rubbish bins.

*The Panel's response*

66. The Panel heard that changing the collection day in Riccarton/Ilam would be extremely expensive as it would require a change not only in this area but other parts of the city as well. A later collection time, along with a later time in which the residents would be expected to place bins on the street for collection, may be a less costly option.
67. The terms and conditions for the Council's kerbside waste and recycling collection states that "[b]ins are to be placed for collection ... prior to the collection starting in that area (the standard collection day starts at 6:00 am) and no earlier than 5:00 pm on the day before collection....The Council may direct that any other times will apply to the placement or removal of bins."<sup>4</sup>
68. The Panel recommends that the Council work with the Police to determine whether a cost-effective solution to the timing of rubbish and recycling collection in Riccarton/Ilam can be achieved.

**University-community relations**

69. The Panel heard differing views concerning the relationship of the University of Canterbury with the Riccarton/Ilam community and the Police. There was agreement that there needed to be active dialogue between the University, the community, the Police and other stakeholders. The Panel heard that an Ilam Community Safety Joint Working Party agreed to by Council resolution on 26 August 2010<sup>5</sup> had been stalled due to the earthquakes.

*The Panel's response*

70. The Panel noted the desirability of the Council developing an improved relationship with the Canterbury University Council. There are a number of issues of mutual interest to be discussed currently. The Panel recommends therefore a formal meeting between the Council and the Canterbury University Council to discuss a range of matters.

<sup>4</sup> Kerbside Collection and Waste Collection Points Terms and Conditions, Clause 9 (i) and (iii), as approved by the Council 19 December 2008.

<sup>5</sup> 19. (g) Recommends that the Council establishes and administers an Ilam Community Safety Joint Working Party with the attached membership and terms of reference.' The membership was to comprise: 1 City Councillor from Riccarton/Wigram Ward (possible Chair), 1 City Councillor from Fendalton/Waimairi Ward, 1 Community Board member from Riccarton/Wigram and Fendalton/Waimairi Wards, NZ Police Southern Area Commander or his nominee, University of Canterbury Vice Chancellor or his nominee, UCSA President or his/her nominee, 2 local residents (to be selected by the Working Party).

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71. The Panel recommends that the Ilam Community Safety Joint Working Party, agreed to by the Council in August 2010, be established.

**WIDER COMMUNICATION OF THE BAN**

72. The Panel considered the need to communicate the alcohol ban to the public. It was suggested that in addition to signage to indicate the hours and area of the alcohol ban (displayed as per the recommendation in clause 62) and the publication of a public notice:
- Information on the alcohol ban is sent to each submitter.
  - Brochures on the alcohol ban are available at Council facilities and the University of Canterbury.
  - Menus in bars include information about the alcohol ban.
  - Stencilled notices concerning the alcohol ban are added to footpaths within the ban area

**LEGAL CONSIDERATIONS**

73. A bylaw Hearing Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions<sup>6</sup>. The Council can then accept or reject those recommendations, as it sees fit. However, section 82(1) (e) of LGA 2002 states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making".<sup>7</sup>
74. Section 157 of the LGA 2002 requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect.
75. The Legal Services Unit considers that the form of the Bylaw, as proposed in this report, is the most appropriate form, and that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002). The Legal Services Unit considers that the amendments, as recommended by the Panel, comply with these requirements.
76. It is appropriate to resolve that the Amendment Bylaw will come into effect on 1 December 2011, as the Temporary Alcohol Ban for Riccarton/Ilam expires on 30 November 2011.

**HEARINGS PANEL RECOMMENDATIONS**

The Panel unanimously recommends that the Council:

- (a) Adopt the Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 as amended (Note: Attachment 1 shows recommended changes to the Amendment Bylaw. Attachment 2 is a clean copy for adoption):
- Modify Schedule 1 to add the words "as indicated on the map below" so that it would be consistent with the schedules in the 2009 Bylaw.
  - Modify Schedule 1 to specifically refer to University Drive and specifically exclude the other private roads on University of Canterbury property.
  - Include a new guidance note at the end of the current explanatory note under clause 7 of the 2009 Bylaw concerning advice on special liquor licenses for one-off events in public places within the alcohol ban area, to read as follows<sup>8</sup>.

<sup>6</sup> Clause 32 of Schedule 7 of LGA 2002 expressly prohibits the power to make a bylaw from being delegated.

<sup>7</sup> This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

<sup>8</sup> This note can be inserted by resolution as it is not part of the bylaw.

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*Clause 7(c) provides that an exemption applies to any public place that is subject to a special licence, in accordance with that special licence. Under In accordance with section 73 of the Sale of Liquor Act 1989, the a special licence authorises the holder of the licence to sell and supply liquor, on the premises or conveyance described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence. Therefore, any person may apply to the Council for a special licence if they are holding an event or occasion and would like to sell and supply liquor at that occasion or event.*

- (b) Give public notice as soon as practicable that the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 has been adopted by Council, if that is the decision of the Council, that the Amendment Bylaw comes into effect on 1 December 2011, and that copies of the Amendment Bylaw will be made available.
- (c) Resolve to undertake a non-statutory review of the permanent alcohol ban in the Riccarton/Ilam area two years after the Amendment Bylaw is adopted.
- (d) Include in its review of the City Plan the issues of non-family accommodations and individual rooms rentals in light of the high density that these accommodations may create.
- (e) Work with the Police to determine whether a cost-effective solution to the timing of rubbish and recycling collection in Riccarton/Ilam can be achieved.
- (f) Establish the Ilam Community Safety Joint Working Party, resolved by the Council on 26 August 2010.
- (g) Establish a formal meeting with the Canterbury University Council.
- (h) Request staff to use existing sign posts as much as possible for displaying permanent alcohol ban area signs.
- (i) Undertake wider communication of the Amendment Bylaw.