

Date: Tuesday, 19 July 2016
Time: 10.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Regulatory and Bylaws Committee

OPEN MINUTE ITEM ATTACHMENTS

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Fact Sheet

Live Music in Auckland City

Do we want a vibrant live music scene in Auckland?

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The Issue:

Twenty years ago Auckland was home to a thriving live music scene. Now live music is vanishing in our city and only a handful of venues continue to book live music and their numbers are getting smaller. Noise control in the city is strict and residents' complaints are investigated without regard to the wider policies of Council. This put incredible pressure on the venues including:

- The Temple Café (host of many after show parties of international acts like the Red Hot Chili Peppers) was forced to close its doors because of noise complaints.
- The famous Kings Arms Tavern has lost the ability to use its garden bar for live music.
- Chapel Bar in Ponsonby supports live music so long as there are no drums.....? And must cease performances by 11pm
- Crew Club in the Viaduct (one of Auckland's iconic night spots) recently started live music. But is already fielding complaints and is re-considering booking live music.
- Danny Doolan's another bar located in the Viaduct have had to remove half of their PA equipment and are suffering from severe noise restrictions that make supporting live music difficult.
- Ellice Road Bar in Albert Street has been forced to cancel all live music because of noise complaints.

Live music is dying in the inner city. Auckland is ceasing to be a show case for talented Kiwi performers but is becoming a city of bland, 'boxed' music.

Is this what the Priority 2 of the Auckland Plan – "Value Our Artists, Our Creative Sector and Our Cultural Institutions" meant?

What We Want - Is that Auckland Council's Regulatory Team operate in accord with the intent of Council and the majority of Aucklanders:

We believe that Auckland's City Centre should be an exciting, vibrant entertainment area that showcases the talents of creative Aucklanders. We have a fantastic city centre that should be the beating heart of creative Auckland, a place alive at night and that tells the world our story in art and song.

We believe that Councillors feel the same. The Auckland Plan directs Council to "Support artists and creative enterprises which contribute to Auckland's vibrancy, sense of community and its economy".

But at an operational level Auckland Council is putting the 'not in my backyard' attitudes of a small number of people ahead of the wider goal of creating a vibrant City Centre. Noise control officials appear to take a very aggressive approach to complaints. One resident's complaint seems to have more weight than 100's of patron's enjoyment.

It is a fact people will always complain about noise in the City Centre, we believe that this is an issue in which Councillors can show leadership by looking at the bigger picture.

People that move into a creative, interesting and vibrant City Centre must accept that they are not choosing to live in a quiet area. New York, London, Tokyo, Seattle, Vancouver, Sydney are all loud 24 hour cities. People choose to live near their centres because it is loud and colourful and exciting.

In Britain this issue has been addressed a number of times and English case law demonstrates sensible fairness by recognising the rights of existing occupants i.e. if you choose to move into a house next door to a bar – don't complain about the noise. See the following link
<http://www.falcolegaltraining.co.uk/commentary/coming-nuisance/>

Perhaps the Brits have a point?

In Auckland all we are asking for is a reasonable approach that balances the stated strategy of Auckland Council with fairness to residents, venues and patrons.

A Solution:

At present council employees gauge noise levels using their judgement alone, not a noise measuring device. This means that a contracted security guard is effectively making a policy decision on how the Auckland Plan is implemented.

We believe this is unfair and would like to suggest the following idea to help solve the problem:

Set a standard noise control hour across the City Centre before which noise complaints are not actioned. We suggest 1 am.

This means that a discretionary aspect of actioning a noise complaint is set by Council policy and removed from reliance on a contractor's opinion.

We do not believe this will lead to a sudden increase in volume because a band that is too loud is not enjoyable for patrons, who will vote with their feet.

It will simplify enforcement because instead of venues having to negotiate on the night with a contracted officer whose opinion has the potential to cost many thousands of dollars there will be absolute clarity about the time window in which live music is able to play. After the 'cut-off' it's a different story.

A set 'cut-off' is also fair to residents. It provides them with certainty and after that time they know that their complaint will be actioned vigorously.

Summary:

The sound track of our city doesn't have to be 'boxed' sets of music.

Auckland can be an exciting international city with a vibrant night-life.

We can showcase Auckland talent and create a unique Auckland night-life. Maybe one day we will be talking about the 'Auckland Sound' instead of the 'Dunedin Sound'.

Today we are asking our elected representatives to take control of an operational function and set a clear guideline that will make sure that our city's regulatory officers responsible for noise control have clear guidance about the kind of city that we want.