

Public Safety and Nuisance bylaw
review (PSN) Workshop
Regulatory Committee
February 8 2018
11.30am to 3pm

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Workshop overview

- 1: Workshop objectives
- 2: PSN Bylaw review scope and progress
3. Key principles / considerations
- 4: Closer look at six PSN topics - discussion and questions
5. Next steps

1. Workshop objectives

- More in-depth look at six PSN topics covers:
- is the current bylaw working?
 - are any changes necessary?
 - approach to formal decision making

2. Scope and progress of bylaw review

28 topics in 5 groups of varying complexity:

- Nuisance, safety, and behaviour in a public place
- Damage in any public place
- Obstructions in any public place
- Additional controls for parks and beaches
- Street naming and numbering on buildings

Phase 1: Research and engagement

- to understand the issues and bylaw effectiveness and Aucklanders' views – **Completed**

Next steps

- Decision reports – April to July
- Statement of Proposal – August - September.

3. Key principles / considerations

- Sometimes, a bylaw is not effective (e.g. begging and other complex social issues)
- Sometimes, a bylaw is one part of a wider approach (e.g. education)
- Complementary initiatives can help lift the bylaw efficiency and effectiveness – achieving outcomes
- Need the right mix of tools to achieve the outcome
- Council approach to compliance is driven by Council's graduated enforcement approach to prioritise enforcement activity

RISK PROFILES



Effective intelligence gathering and data analysis is fundamental to inform the focus and approach to take.

The matrix to the right shows the approaches that may be required when these two elements are combined.

- **Focusing on the right things** – targeting efforts at the areas where there is the greatest risk and potential harm
- **Applying the right approach** – selecting the compliance tool based on the attitude and motivation of regulated parties towards compliance

An effective regulatory approach requires both:

4. Closer look at six PSN topics

1. Building/property numbers
2. Car window washing
3. Fireworks
4. Lifesaving equipment
5. Storing and packing goods
6. Street naming

1. Building/property numbers

Problem now? **Yes**

- Degree of non compliance with NZ Address Standard
- Issues in CBD with numbers missing – not a big problem elsewhere
- Can impact emergency services and mail delivery = **nuisance and safety risk.**

DRAFT RECOMMENDATION: Revoke numbering clause

Implementation:

- ✓ Property Team mandated through LGA 1974 to allocate names and numbers – bylaw clause not required – policy could be used
- ✓ Update business processes – planning, consents etc. to increase compliance
- ✓ Increase public / businesses' awareness of standard
- ✓ Auckland Transport bylaw – requires display of names numbers, responsible for maintenance

2. Car window washing

Problem now? **Yes**

- Still a **nuisance and safety** problem at intersections – complaints = high
- Council intervention - risky and ineffective
- Regulatory alternative exists = legislation that enables police to fine offenders
- Police are better equipped to enforce.

DRAFT RECOMMENDATION : Revoke clause on window washing

Implementation:

- ✓ Police manage enforcement under Land Transport Amendment Act.

3. Fireworks

Problem now? **Yes**

- High number of complaints, significant problem = **safety and nuisance**

- Bylaw sends a message about use of public places - most of the public comply

- Difficult to enforce – education is the main tool used

- Few issues related to fireworks on private property

- Summary offences Act 1981 provides police with power to address irresponsible fireworks behaviour on public and private property.

DRAFT RECOMMENDATION - Fireworks

- ✓ **Retain** bylaw clause that bans letting off fireworks on public places
- ✓ **Revoke** bylaw clause on nuisance on private property and rely on equivalent police powers
- ✓ **Amend** wording to enable a strict liability offence so fines can be issued as required



4. Lifesaving equipment

Still problem? **Yes** (Although the bylaw not recently used)

- 9% of survey respondents had seen
- Could be significant **safety** issue
- The bylaw has not been used recently
- The Local Government Act 2002 provides a regulatory alternative for enforcement
- Parks staff act to reinstate/repair equipment as required.

DRAFT RECOMMENDATION: Revoke bylaw clause on

lifesaving equipment

Implementation:

✓ Use LGA for future enforcement

✓ Parks continues to reinstate/repair equipment as required

5. Storing and packing goods

Problem now? **Yes**

- Still an issue but limited data on occurrence / impacts
- Can cause **safety/nuisance** issues
- Police could respond - unlikely to prioritise response
- Bylaw regulates the nuisance and safety impacts/risks not activity
- Inconsistent with Trading in Public Places Bylaw prohibits the activity without Council permission.

***DRAFT RECOMMENDATION – Amend: Storing and packing goods
on public place***

- ✓ Amend: wording to prevent the activity outright without Council permission

Implementation:

- ✓ Continue to respond to complaints, rectify issues as required.

6. Street naming

Problem now? **Yes**

- Still an issue = **nuisance and safety issues**
- As a Road Controlling Authority Auckland Transport has the authority to respond to damage, missing signs
- Council (Local boards) retain power to allocate street names under LGA 1974.

DRAFT RECOMMENDATION – revoke clauses on street names

Implementation:

- ✓ rely on mirror bylaw - Auckland Transport responds to complaints, replaces/repairs street signs
- ✓ Council still allocates street names through mandate under LGA 1974.

5. Next Steps

- Further research and engagement to finalise review and options reports
- Regulatory Committee decision on the review and options by August 2018
- Regulatory Committee decision on statement of proposal for public notification
- Special Consultative Procedure
- Finish line