



# INNER-CITY

**WELLINGTON** Te Reo Pokapū o Pōneke

VOICE OF TE ARO AND WELLINGTON CENTRAL

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Making submission on behalf of Inner City Wellington	
We would like to make an oral submissions to Councillors on this submission	

## Inner City Wellington (ICW) Submission on Statement of Proposal: Public Places Bylaw 2017

This submission covers ICW's proposals in relation to the draft Public Places Bylaw and provides feedback on Council's proposed questions as set out in the submission document.

The ICW survey results represent 9% (28) of all recipients on our mailing list.

## WCC Proposal for a specific bylaw (in addition to current, general, littering laws) providing that it is an offence to litter cigarette butts (WCC submission form Q6)

### Survey responses

75% of respondents strongly agree (16) or somewhat agree (5); with 4 neither agree or disagree, and 3 somewhat/strongly disagree.

### Comments

Realise this will need enforcement though in order to be effective, so hope the council has thought about this and would commit to an enforcement regime.

I just don't see that as a major problem, but I don't know whether it is for the cleaning crews.

Long overdue

The specific offence provision is supposed to send a strong message and help change behaviours. The media coverage on the decision to include a specific offence in the bylaw shows that there is no intention of enforcing this specific offence.<sup>1</sup> The need for a specific offence in the bylaw shows that education initiatives have not been successful.

How is Council going to monitor the effectiveness of this vehicle for messaging? How is Council's education programme going to assist in changing behaviours? How will this be measured?

## ICW Proposal for a scheme where individuals are compensated for collecting cigarette butt litter to provide an income source and public service

### Survey responses

43% strongly agree (4) or somewhat agree (11), with 6 (21%) neither agree or disagree, and 7 somewhat (1) or strongly disagree (6).

<sup>1</sup> <https://www.stuff.co.nz/dominion-post/news/97601220/wellington-city-council-votes-for-a-bylaw-it-knows-it-cant-enforce>

<p>Comments:</p> <p>I currently do it for free</p> <hr/> <p>I think having a relatively easy way to earn money, over and above the benefit to buy food and other necessities should prevent people from feeling that they have to beg, thus removing the nuisance factor of this activity.</p> <hr/> <p>Appalling judgemental, beneficiary bashing idea. If cigarette butts are a problem - and I don't see it myself, responsibility of those dropping them and WCC's enforcement and cleaning staff.</p> <hr/> <p>Why?</p>
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There is an alignment between the responses to ICW's proposal and the Council's specific offence. This could reflect that further action is still required as no enforcement is planned and previous education initiatives have not achieved the behaviour change required.

ICW cigarette butt litter collection proposal	Council's specific offence for butt litter
Strongly agree	Strongly agree (3); somewhat agree (1)
Somewhat agree	Strongly agree (7), somewhat agree (2), neither agree or disagree (1), somewhat disagree (1)
Neither agree or disagree	Strongly agree (3), somewhat agree (2), strongly disagree (2)
Somewhat disagree	Strongly disagree (1)
Strongly disagree	Neutral (3), strongly agree (3)

The proposal put forward by ICW was to encourage WCC to consider more practical and useful ways of addressing the cigarette butt litter issue than creating a specific offence that it has no intention of enforcing.

In response to the media attention on this proposal, the Downtown Community Ministry (DCM) advised that its staff 'met with council staff to discuss ideas for meaningful, paid work'.<sup>2</sup> This is great; ICW looks forward to hearing more about it as we understand that previous activities were discontinued.

*ICW's proposal to address cigarette butt litter*

That the Council encourage the removal of cigarette butts from the streets and gardens by paying those prepared to pick the discarded cigarette butts up.

This could be complementary to the recently launched 'Regenerate' magazine initiative, where people sell the magazine to earn money. The ICW proposal provides an alternative for individuals who do not wish to try and sell, but can carry out a vital public service, enhance the environment and earn money.

This would not impose substantial costs for Council. It could be restricted to those on an unemployment benefit and the payment rate could be capped to avoid losing the benefit. Disposable gloves could be offered free initially and then at a discounted rate. And there are benefits: the butts could be disposed of in a more environmentally sustainable way and the individuals get additional income.

<sup>2</sup> <https://www.stuff.co.nz/dominion-post/news/99320227/beggars-should-pick-up-ciggie-butts-wellingtons-inner-city-residents-say>

There are some perverse incentives. It could encourage more smokers to drop their cigarette butts. This is unlikely: smokers who are responsible with their butts are unlikely to change, and those that do drop their butts, are also unlikely to be swayed by the proposed change to the bylaw. The collectors may raid ashtrays on café tables or the butt receptacles outside buildings; while this may occur, it is unlikely to be the basis of a riot. The collectors may collect their own cigarette butts. This is possible, even probable – but they may also be among those who would have dropped the butts previously and not be influenced by the proposed inclusion of a specific offence in the bylaw.

ICW encourages WCC to consider this alternative option to the cigarette butt issue – and provide an income-generating opportunity for the city’s most vulnerable.

**Use of bylaw to send stronger messages: expansion to include nuisance behaviour**

ICW submits that including specific issues in the bylaw to send a stronger message (such as the proposed change for cigarette butt litter) must be consistently applied. ICW submits that, if the cigarette butt litter provision is included in the bylaw (22.3(r)), a similar provision must be included for ‘nuisance behaviour’ that is impacting on businesses and residents in buildings that open directly onto public places in the CBD.

Survey responses 92% strongly agree (20), somewhat agree (6), with neither agree or disagree (0), somewhat disagree (2), strongly disagree (0)
Comments
Please add drunk and disorderly/intimidating drunk behavior
Get them off the streets and take back our city!
Include car window washers at traffic lights.
Usually leave a coin but this is not practicable for all passers-by.
More than anyone the businesses are affected by nuisance behaviour on public places in Wellington I think.
Difficult to enforce - what will distress some will not distress all, don't think this definition is adequate.
I have felt intimidated on many occasions
Long overdue

ICW submits that the definition used by Hamilton City Council provides a suitable starting point for Wellington.<sup>3</sup> (Appendix 1) ICW priorities for inclusion in a ‘nuisance behaviour’ definition for Wellington is (a) begging that is likely to cause harassment, alarm or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person and (c) sleeping in a public place in such a way as to cause an obstruction. In addition to those in Hamilton’s definition, ICW submits that it be made explicit that setting up mattresses, chairs, etc on which to undertake begging, and having animals that are not controlled with individuals who are begging, is included in the description of nuisance behaviour.

<sup>3</sup> Hamilton City Council, Hamilton Safety in Public Places Bylaw (2014). Some aspects of the nuisance behaviour definition are already included in Wellington’s Public Places Bylaw.

Begging that causes harassment, alarm or distress to others is directly impacting on businesses in the CBD.

A recent example of a Committee Member: The staff at an inner city cafe had to deal with a man who came into the café asking for \$3.50 for his bus fare. The man was very aggressive in his approach and language. It was late morning on a Saturday and the cafe was very busy. The owner handled it very well and managed to get the man out of the shop, where he proceeded to continue to be verbally aggressive to the owner.

The Committee member considered giving the man \$3.50 to get him out of the cafe, but then felt this would encourage the man (and potentially others) to return to the café. The Committee member returned to the café later and told the owner about considering offering the money to the man. The owner did not agree with that approach, as the individuals who got money would return.

Councillors and Council staff continue to tell businesses that they must ring the Police. In the above situation it was difficult for the staff (and customers) to ring the Police as the man may have become even more aggressive. WCC officers have advised that clause 22(a), which is the relevant one for nuisance behaviour such as begging, is managed through the street teams and local hosts. If the behaviour becomes a criminal offence (intimidation, damage, etc) then WCC works with the Police to resolve that issue.

ICW agrees that the calls need to be logged for data purposes but this should be via Fixit or Eyes On app so it becomes part of the Council data, rather than a separate call to the Police. Feedback from businesses is that it takes a long time for the Police to arrive to deal with situations and businesses endeavour to deal with it. Alternative solutions are required to de-escalate these situations and remove the need to call Police.

#### *ICW proposal to mitigate the impacts on businesses*

ICW submits that WCC establish a facility in the inner city where people begging know they can go to get food, assistance with transport, etc, and businesses and the public and businesses can refer the individuals to that place. This facility should complement the services that already exist to provide 24x7 coverage. ICW agrees that central government should be sharing the funding for these supports and will continue to raise this issue with our local MP. In the meantime, more funding must be made available to provide tangible solutions to the impacts on businesses.

#### Survey responses

82% strongly agree (15), somewhat agree (7), with neither agree or disagree (4), somewhat disagree (1) and strongly disagree (0).

#### Comments:

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Yes, with a WINZ ID to ensure no double dipping between areas/regions

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Realise there would be costs for this but realistically council spend money funding outreach teams and support agencies so this could be another part of the potential solution.

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I am not clear what WCC's role should be - but don't think it is direct provision of services. Incentives and support for those who can provide services seems more appropriate.

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Such facilities already exist but hav not prevented begging.

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Thete needs to be no excuse for begging

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Good practice/care

ICW considered a voucher system that individuals could redeem at Metlink or selected food retailers, who would then claim the money from WCC. However, this creates an administrative burden on businesses holding the vouchers when they need to focus on their businesses, and ICW does not consider this is reasonable.

### WCC Proposals – feedback from ICW survey

<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Don't have a view</i>	
<b>Q1</b> – Do you support the proposed change that the Council may restrict any activity being undertaken in a public place to prevent material damage to the place or a nuisance or harm to any person?	86%(24)	4%(1)	11%(3)	
<p>Comments:</p> <p>Yes, please stop the alcohol funded polo in Kelburn Park event for a start. This is a known area for alcohol related harm and they are completely going against all the hard work VUW, Vic Neighbours, police have put into controlling the issue</p> <hr/> <p>Some car window washers damage private property.</p> <hr/> <p>Sometimes walking through Civic Square I feel nervous about potentially being hit by a football. Although I enjoy seeing the space being used for good helpful activities like sport and children playing.</p> <hr/> <p>I would be interested in knowing what the harm is that they wish to prevent. These words seem very general?</p> <hr/> <p>Maybe. I would like to know more about the type of activity this is aimed at</p> <hr/> <p>Unnecessary</p>				

<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Require further info</i>	<i>Don't have a view</i>
<b>Q2</b> – Do you support the Council requiring people to apply for permission for busking/street entertainment?	68%(19)	18%(5)	11% (3)	3% (1)
<p>Comments</p> <p>If only to ensure that they know the rules, such as only being able to stay for a certain period of time in one place.</p> <hr/> <p>unless kids trying to do good things.</p>				

<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Don't have a view</i>	
<b>Q3</b> – Do you support clarifying the bylaw to reflect that informal or casual play in any public place does not require prior notice to Council?	71% (20)	11% (3)	18% (5)	
<p>Comments</p> <p>These should all be registered and approved</p> <hr/> <p>Provided if it becomes more than informal or casual that it's stopped pretty quickly as everyone needs to be able to feel safe in public places.</p> <hr/> <p>Don't know what 'clarifying' means neither would I trust WCC to succeed at it.</p> <hr/>				

<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Insufficient information on impact or enforcement</i>	<i>Don't have a view</i>
<b>Q4</b> – Do you support the proposed extension of the Evan’s Bay freedom camping site?	25% (7)	25% (&)	39% (11)	11% (3)
Comments I do not support freedom camping I think the current provision is sufficient. That would make it too big				
<b>Q4a</b> – Do you think the balance of providing for an additional 10 large vehicle sites and 20 standard sites is appropriate?	29% (8)	21% (6)	32% (9)	18% (5)
Comments I think more sites could compound the problems associated with freedom camping and there are residential and business areas close by which could be negatively impacted.				

*ICW feedback on freedom camping proposal*

Feedback on the proposal is mixed, with the majority of respondents noting the insufficient information on impact or enforcement. ICW considers that the concentration of increasing volumes of any single activity (that is known to create problems) in one area also concentrates, and increases, the problems associated with the activity.

There is no data in the paper about the numbers of other carpark users of the marina and how they would be affected, eg on the weekends during the sailing season. There is no recognition of concerns of residents in Evans Bay, when the impact on local residents is given as a reason against the use of the Freyberg Car Park (at the back of the pool) and for a camping ground in Happy Valley.

There is no data on how the bylaw is currently monitored to ensure compliance at Evans Bay or the freedom camping sites, which makes it difficult to determine whether the proposed increase will be adequately enforced. There is a high risk that WCC will not increase enforcement or monitoring in line with the proposed increase.<sup>4</sup>

ICW submits that the statement ‘Freedom camping provisions will not be used against the homeless’ should be expanded to include ‘... or rough sleepers’. We are aware that some ‘homeless’ have been offered a home, but choose not to accept it.

ICW submits that WCC should urgently progress discussions about other options:

- the land at Kaiwharawhara Point, which would provide an ideal site for self-contained freedom campers, particularly those arriving and leaving on the ferries, with minimal costs. There are regular shuttles between the ferry terminal and the railway station if needed – but these ‘campers’ have vans, so transport is not the issue.

<sup>4</sup> As a comparison, the cost of WCC’s alcohol licensing inspector function has dropped over the last 3 years, while the administration and DLC costs have increased. This indicates that enforcement resources and capacity is increasing when costs of other areas and (potentially the number of premises) are increasing.

- progress discussions with CentrePort to reinstate a fee-based campervan site on port land as part of the post-Kaikoura earthquake remediation. The relatively infrequent and low volume (in terms of people) use by freedom campers would be less risk than buildings.

<p>Survey responses 86% strongly agree (9), somewhat agree (15), with neither agree or disagree (1), somewhat disagree (1), strongly disagree (0).</p> <p>Comments: I think this is a good idea as it is currently unused land and council should at least look at the potential it has for freedom camping.</p>
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<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Don't have a view</i>
<b>Q5</b> – Do you support the clarification that it's an offence to disturb or damage naturally occurring things such as trees (as well as retaining the offence for their removal)?	79% (22)	0	21% (6)
<p>Comments Yes if these are on public property only.</p>			

<i>Proposal</i>	<i>Yes</i>	<i>No</i>	<i>Don't have a view</i>
<b>Q5a</b> – Are you aware that it is an offence to go eeling in public places and reserves in Wellington?	14% (4)	86% (24)	
<p>Comments Having said No - that law does not surprise me</p>			

### Q7 – any other comments on the bylaw

Cancel Heineken polo in Kelburn Park. This was not notified. It goes against the effort of police, VUW and Vic Neighbours toward controlling drunk and disorderly behaviour in Kelburn Park area - and so close to known student Halls! And how can WCC close a park that has a known and well documented history of drunk and disorderly behavior to allow alcohol sales to take place?!!

Ban all smoking in Laneways.

Specifically list car window washers at traffic lights as a public nuisance.

I'd like to see terms like nuisance and harm well defined in the bylaw as what one person considers a nuisance or harmful another might not and there's not much point replacing the old wording unless there are real advantages to doing so, ie better enforcement, so that everyone can equally enjoy the public places provided in Wellington.

The problem lies with enforcement. I cant see the point of creating new offences if they are not going to be policed.

I think there should be much stronger restrictions against begging around ATM machines and supermarkets. It is too intimidating. I would like to see a law against begging but know that wont happen

## Breakdown of respondents

Residential owner-occupier in inner city	89.29%	25
Residential landlord in inner city	3.57%	1
Residential tenant in inner city	0.00%	0
Business/organisation owner-occupier in inner city	3.57%	1
Business/organisation tenant in inner city	3.57%	1
Other (please specify)	0.00%	0
<b>TOTAL</b>		<b>28</b>

## Appendix 1: Extract from Hamilton Safety in Public Places Bylaw 2014

- Nuisance behaviour** Nuisance behaviour includes:
- a) Begging in a public place in a manner that is likely to cause harassment, alarm, or distress to any reasonable person, or causes an unreasonable interference with the peace, comfort or convenience of any person.
  - b) Riding a skateboard within the areas defined in the Skateboarding Prohibited Areas Register.
  - c) Sleeping in a public place in such a way as to cause an obstruction.
  - d) Urinating or defecating in a public place other than a toilet.
  - e) Consuming, injecting, inhaling or ingesting a mind-altering substance in a public place.
  - f) Any conduct in a public place that is likely to cause unreasonable interference with the peace, comfort or convenience of a reasonable person in the circumstances in which it occurs, whether or not that person is in a public place, to the extent that it disturbs public order and is more