

Hannah Baxter

fyi-request-14879-da814af6@requests.fyi.org.nz

30 March 2021

Dear Ms Baxter,

Requests for information – IR-01-21-7873

Thank you for your information requests of 8 and 12 March 2021, which have been considered in accordance with the Official Information Act 1982.

I refer to your requests.

- 1. I would like to know the operational reasoning behind blocking off West Coast Road heading to the city, and the south side arm of Chatterton's Road and having chase/turner cars on West Coast Road (west heading towards Darfield) on the morning of 08/03/21.**

Police did not undertake any operational activity at this location on 08/03/2021 but did so on 07/03/2021.

At approximately 3am on 07/03/2021, Police responded to two separate calls from concerned residents near the intersection of Old West Coast Rd and Chatterton's Road. These calls reported upwards of 40 vehicles gathering, doing burnouts, parking on the dry grass verge, and scaring nearby livestock. This group had been the subject of Police attention earlier that morning at another location.

Police determined that members of the public were at risk, a potential fire risk was being created by vehicle activity, livestock nearby were being frightened, and Level 2 Covid-19 restrictions were being breached.

No "chase/turner car" was involved in the operation on West Coast Road toward Darfield.

- 2. I would like to know why alternate routes for exiting that area and intersection were restricted by Police, making drivers turn down a restricted (weight and time) stretch of road, leading to the issuing of an infringement ticket.**

The Police response to this anti-social behaviour was to disperse the gathering by placing Police vehicles on both Chatterton's Road (south of the intersection) and Old West Coast Road (east of the intersection), and activating the red/blue flashing lights to warn oncoming traffic.

- 3. Why did Police direct traffic down a restricted stretch of road?**

Police did not direct any drivers to enter the restricted area. The stationary Police vehicles were no closer than 40m to the intersection, leaving the drivers to make their own decision as to which way to leave the area.

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. 04 498 7400. www.police.govt.nz

4. Why did Police then stop vehicles that were trying to leave the restricted area?

I refer you to the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014 ("the bylaw"), in particular clauses 8 and 10(2).

5. Why are Police enforcing the Council bylaw?

One of the purposes of the bylaw is to restrict the racing of motor vehicles and activities associated with the racing of motor vehicles that may cause a nuisance to the public (clause 6 of the bylaw). The Policing Act 2008 sets out 'Functions of the Police' which includes maintaining public safety, law enforcement, community support and reassurance, and keeping the peace.

6. How did Police decide who was a "boy racer" and who was an innocent bystander caught up and unable to use other exits?

The incident referred to in your request involved several persons/drivers gathering in a particular area and engaging in anti-social driving behaviours. In these circumstances Police are required to determine if a driver has a valid reason for being present in a restricted area and decide if an infringement notice is warranted.

7. I require a reason why warning and sticker under s22AF of the Land Transport Act 1998 were not offered as a discretion for a first offence (this was my son's first time in such a situation).

Your request does not identify your son and therefore Police are not able to comment on any specific infringement. Your son can contact Police and ask for further clarification.

8. Please also supply the number of same or similar infringements for the same offence issued between 11 September 2014 and today's date for the stretch of road from Pound Road-McLeans Island Road intersection and McArthurs Road, Harewood, Christchurch.

This part of your request has been split and will be responded to by the National Road Policing Centre. Reference IR-01-21-9405.

9. Please also supply a copy of any such infringement sticker per s22AF of the Act.

Please find enclosed a copy of a blank section 22AF Land Transport Act 1998 warning notice and sticker.

10. Please supply under which section of the LTAct this enforcement was undertaken.

Section 22AB of the Land Transport Act 1998 provides for road controlling authorities to make certain bylaws with reference to vehicle and road use.

Section 145 of the Local Government Act 2002 provides for general bylaw-making power for territorial authorities with particular emphasis on protecting the public from nuisance and maintaining public health and safety.

The issuing of IONs for the offence of using a motor vehicle on a restricted road at a restricted time is in accordance with clauses 8 and 10(2) of the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014.

Christchurch Police Station

40 Lichfield Street, Christchurch
Telephone: 03 363 7400 www.police.govt.nz

The relevant legislation is accessible online.

11. Please also advise why the relevant legislation is not printed on the ION advising my son which part of legislation he is alleged to have breached.

Section 140 of the Land Transport Act 1998 sets out the contents of infringement and reminder notices. Police comply with this legislation.

Your request does not identify your son and therefore Police are not able to comment on any specific infringement. Your son can contact Police and ask for further clarification.

12. Please advise if this is supposed to be a part of any ION.

Please refer to the response to question 11 above.

13. Please advise if officers are to wear their hats when issuing IONS or TONS.

There is no statutory requirement to do so.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with Police's response to your request. You can find more information here:

<http://www.ombudsman.parliament.nz/make-a-complaint/complaining-about-access-to-official-information-551307291224432>.

Yours sincerely,

Rachel Milne

Rachel Milne
Te Wai Pounamu Information Request Team
Service Delivery

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