

**From:** STAINTON, Christian <Christian.Stainton@police.govt.nz>  
**Sent:** Thursday, 12 May 2022 7:36 am  
**To:** Chris Powell NTA <chris.powell@nta.govt.nz>; David Palmer <David.Palmer@wdc.govt.nz>  
**Cc:** RUTH, Martyn <Martyn.Ruth@police.govt.nz>; PHILLIPS, Terence (Terry) <Terence.PHILLIPS@police.govt.nz>  
**Subject:** RE: [EXTERNAL] FW: Kids On Bikes Vine Street Body Cam Video 09/05/22

Good morning All. Chris this issue has also been raised by Dave Palmer from WDC. With the temporary movement of the bus bays to Vine street this has contributed to the issues of these riders taking part in risky behaviour as shown in the videos. It has also contributed to the increased amount of the public on this short length of roadway.

A conversation with our Road Policing Manager Senior Sergeant Terry Phillips has already occurred about the issue. Terry will be able to assist and provide some staffing to address the issue.

We will use a mixture of road enforcement laws and local By-laws in concert with visible policing to try and address the issue.

## Public Places Bylaw 2014

September 2014

### 33 Control of Skateboards, Roller Skates and Bikes

- 33.1 No person shall use any roller skate, scooter or skateboard in any public place within the areas detailed in Appendix III provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this clause.
- 33.2 No person shall ride a bike on the footpath or in any mall within the areas detailed in Appendix III.
- 33.3 No person shall use any bike, roller-skate, scooter, mobility device or skateboard in any public place so as to cause damage to any property or person or in a manner which is without reasonable consideration for other persons using any public place.

### 35 Seizure

#### Seizure of property not on private land

Council has powers of seizure of property not on private land under the Local Government Act 2002.

An enforcement officer may seize and impound property in a public place if:

- a. The property is materially involved in a breach of this bylaw, and
- b. It is reasonable in the circumstances to seize and impound the property, and
- c. Before seizing and impounding the enforcement officer-
  - i. directed the person committing the offence to stop committing the offence
  - ii. has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and
  - iii. provided the person with a reasonable opportunity to stop committing the offence.
- d. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with clause 35c.

# Local Government Act 2002

## Seizure of property

164

### Seizure of property not on private land

#### **Seizure of property**

##### 164 Seizure of property not on private land

(1)

An enforcement officer may seize and impound property that is not on private land if—

(a)

the property is materially involved in the commission of an offence; and

(b)

it is reasonable in the circumstances to seize and impound the property; and

(c)

before seizing and impounding the property, the enforcement officer—

(i)

directed (orally or in writing) the person committing the offence to stop committing the offence; and

(ii)

has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and

(iii)

provided the person with a reasonable opportunity to stop committing the offence.

(2)

However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with subsection (1)(c).

(3)

As soon as practicable after seizing and impounding property, an enforcement officer must give a notice in the prescribed form—

(a)

to the person in possession of the property at the time it was seized and impounded; or

(b)

if paragraph (a) does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

(4)

In this section and [section 165](#), **offence**—

(a)

means an offence against this Act; and

(b)

includes a breach of a bylaw.

Regards

**Christian Stainton**  
Senior Sergeant  
Area Prevention Manager  
Whangarei, New Zealand  
Private Bag 9016, Whangarei  
021 190 6293



**From:** Chris Powell | NTA <[chris.powell@nta.govt.nz](mailto:chris.powell@nta.govt.nz)>  
**Sent:** Tuesday, 10 May 2022 1:09 PM  
**To:** RUTH, Martyn <[Martyn.Ruth@police.govt.nz](mailto:Martyn.Ruth@police.govt.nz)>; STAINTON, Christian <[Christian.Stainton@police.govt.nz](mailto:Christian.Stainton@police.govt.nz)>  
**Cc:** Victoria Harwood <[victoriah@nrc.govt.nz](mailto:victoriah@nrc.govt.nz)>; Dean Mitchell <[deanm@nrc.govt.nz](mailto:deanm@nrc.govt.nz)>; Cat Walker | NTA <[cat.walker@nta.govt.nz](mailto:cat.walker@nta.govt.nz)>  
**Subject:** [EXTERNAL] FW: Kids On Bikes Vine Street Body Cam Video 09/05/22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Marty and Christian,

Please see the attached videos taken on 5<sup>th</sup> May 2022 after 4.00pm at the temporary bus stops in Vine Street.

Apparently this has become a common occurrence.

Not only is this behaviour disrupting the flow of buses in and out of the bus bay and hindering other traffic, we are also extremely concerned that it is only a matter of time before there is a serious crash involving a bus and cyclist.

We are also concerned that a pedestrian may be injured by cyclists using the pavement.

Please could you assist us with this problem.

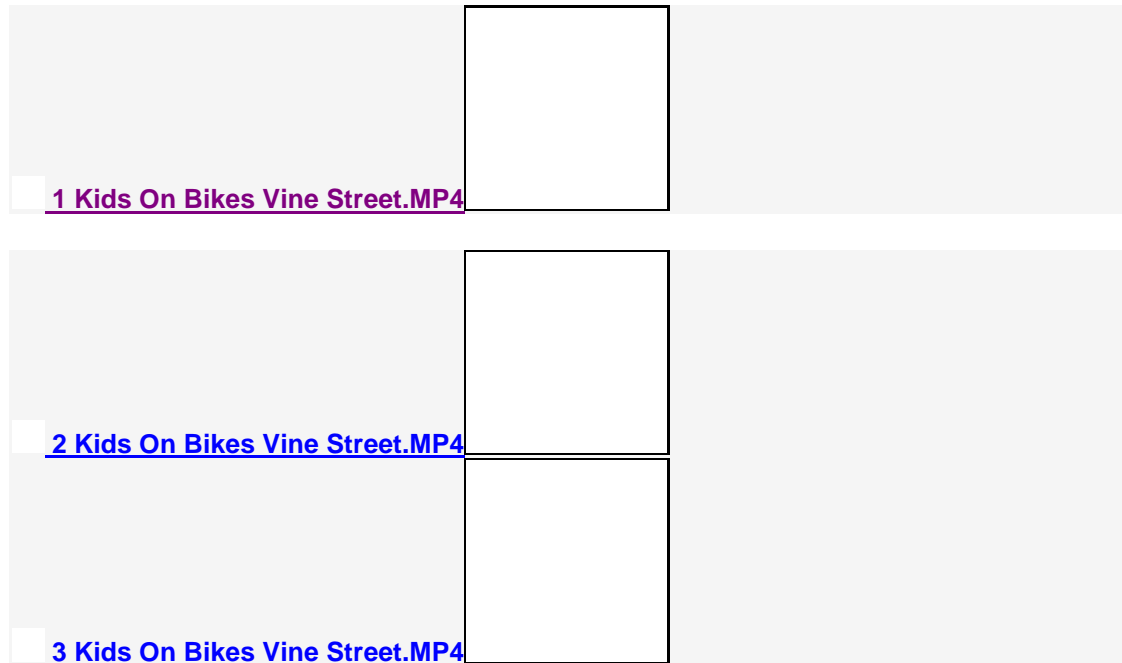
Regards

Chris

**From:** Dean Mitchell | NTA <[Dean.Mitchell@nta.govt.nz](mailto:Dean.Mitchell@nta.govt.nz)>  
**Sent:** Tuesday, 10 May 2022 9:30 AM  
**To:** Chris Powell | NTA <[chris.powell@nta.govt.nz](mailto:chris.powell@nta.govt.nz)>  
**Cc:** Sue O'Shea | NTA <[Sue.OShea@nta.govt.nz](mailto:Sue.OShea@nta.govt.nz)>  
**Subject:** FW: Kids On Bikes Vine Street Body Cam Video 09/05/22

Hi Chris, attached is footage of the cyclists in Vine St. As you can probably tell they are not bus passengers however are creating an issue for intending passengers and any road users in this area.

Ngā mihi



--

Regards,  
Kenton

## Rose Street security

The Northland Transportation Alliance is a partnership between all four councils within Northland and Waka Kotahi (NZTA). The information contained within this email may be confidential. Therefore, if you have received this in error, you should delete it immediately and advise the sender noting that information contained within this communication should not be used or transmitted in any format.

=====

### WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately