

Prohibited Times on Roads Operational Policy 2023

To support the Cruising and Prohibited Times on Roads Bylaw 2023

Introduction

The Council's Cruising and Prohibited Times on Roads Bylaw 2023 (**the bylaw**) enables the Council to specify roads where nighttime vehicle access is limited to reduce the potential for antisocial road user (**ASRU**) activities.

Decisions to regulate roads under the bylaw are listed in the Prohibited Times on Roads Register (**the register**).

This operational policy supports the process to add, amend or remove roads from the register. It should be read in conjunction with the bylaw.

Purpose

This operational policy sets out the framework for assessing and progressing requests or recommendations for roads to be added, amended or removed from the register. It provides guidance for the community, Council staff, Community Boards and Council on this process.

Context

The decision to add, amend or remove roads from the coverage of the bylaw sits with Council. The initial investigation is undertaken by staff and is considered by Community Boards.

On roads regulated by the Prohibited Times on Roads clauses, light vehicle access is prohibited within certain times and days to reduce the potential for ASRU activities. The prohibition can only be enforced by the Police.

Specified roads are generally in rural-city fringe or industrial areas. They are typically roads that are unlikely to need to be used by vehicles at night, and that have a history of ASRU issues.

Signs are installed on the roads to communicate the prohibition, in line with the legislative requirements. Offences and penalties are set out in the bylaw.

Exclusions

Prohibited times on roads will not be considered for roads that serve an arterial function, and are unlikely to be considered on roads where the Council is not the road controlling authority (such as state highways¹ or private roads).

¹ Unless a written agreement has been entered into, such as with Waka Kotahi as the road controlling authority for state highways.

Roads that have a through-function, are commonly utilised by the general public at night, or that are in residential areas are generally not appropriate for these nighttime restrictions.

Types of roads

The following timeframes apply to different types of roads, and are listed with each road in the register:

Types of roads	Times it applies
Industrial roads	10pm-5am (seven days a week)
Rural-city fringe or other roads	10pm-5am Thursday-Monday, and on nights before and after public holidays
Boundary roads (with Selwyn)	9pm to 5am, seven days a week

Analysis criteria for when to apply prohibited times on roads

The Council will consider putting prohibited times on roads where:

- the Council is the road controlling authority and the road fits the criteria in this policy
- there is a history of complaints of ASRU activities and impacts on the road or in the area
- there is evidence of issues, including damage to the road
- other enforcement or practical approaches have been tried and the problem persists
- prohibiting nighttime access to the road is a proportional response to the activities
- the New Zealand Bill of Rights Act implications have been considered, and imposing restrictions would be considered reasonable
- the Police support the proposal
- staff support the proposal.

Bill of Rights Act

The Local Government Act 2002 requires an assessment of the New Zealand Bill of Rights Act 1990 implications when making the Prohibited Times on Roads part of the bylaw.² This assessment should also be undertaken when considering regulating specific roads under the bylaw.

This assessment broadly requires that the limitations on people’s freedom of movement must be proportional to the objective the regulation is seeking, and that it is the “minimum impairment” (least restrictive limitation to achieve the objective).

The prohibition of light vehicles on specified roads during certain days and times to reduce ASRU activities, when undertaken in accordance with the criteria in this policy and the consultation requirements in the bylaw, should demonstrate that these matters have been considered, and that the regulation is appropriate and proportionate in terms of Bill of Rights Act implications.

Consultation requirements

The bylaw includes a requirement to consider the views and preferences of persons affected by the decision. See clause 7 of the bylaw for the consultation requirements.

² See sections 145 and 155 of the Local Government Act 2002

Process for adding or amending roads

The following sets out the process for considering whether to add or amend roads. No decision has been made until Council resolves to add a road to the register, or to amend a road on the register. The process below can be stopped at any time:

1. Someone raises concerns about ASRU activities on a road and requests that the road is considered
2. Staff assess whether the idea has merit and generally fits the analysis criteria identified in this policy
3. Staff investigate and undertake the analysis requirements in this policy, and provide their advice and recommendation to the Community Board
4. The Community Board decides whether to proceed with public consultation in accordance with the bylaw and this policy
5. The Community Board considers the issues raised in any submissions
6. The Community Board recommends that the Council adds the road to the register
7. The Council accepts the recommendation and resolves to add the road to the register
8. The register is updated accordingly
9. Appropriate signage is installed or adjusted on the road(s)
10. Police can undertake enforcement activities in relation to the new or amended road.

Process for removing roads

Roads can be removed from the register by a resolution of Council. This may be because the road has been physically or functionally altered (eg an intersection upgrade) or because the context around the road has changed (eg a new subdivision turns a rural area into a residential area), or for any other reason Council considers is necessary.

The following sets out the process for considering whether to remove a road from the register. No decision has been made until Council resolves to remove a road from the register. The process can be stopped at any time:

1. Someone raises concerns about a road on the register or that it has 'prohibited times' applied to it
2. Staff assess whether the situation has changed sufficiently to consider the removal of the road
3. Staff investigate and provide advice to the Community Board
4. The Community Board decides whether to proceed with public consultation in accordance with the bylaw and this policy
5. The Community Board considers the issues raised in any submissions
6. The Community Board recommends that the Council removes the road from the register
7. The Council accepts the recommendation and resolves to remove the road from the register
8. The register is updated accordingly
9. Signage is removed from the relevant road(s).

Related documents

Document	Link
<i>Cruising and Prohibited Times on Roads Bylaw 2023</i>	See www.ccc.govt.nz/bylaws - Cruising and Prohibited Times on Roads Bylaw 2023
<i>Prohibited Times on Roads Register</i>	

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