



27. 5. 2004

**SUPPLEMENTARY REPORT BY THE
CHAIRMAN OF THE ARTS, CULTURE AND HERITAGE COMMITTEE**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. FIREWORKS BYLAW

The purpose of this report is to obtain a resolution of the Council, as to whether or not the Festivals and Events Subcommittees recommendations:

1. That the Council investigate a Firework Ban Bylaw, banning fireworks on New Brighton Beach during the Meridian Energy Fireworks Extravaganza.
2. That the events team carry out further investigation on the banning of fireworks from areas to the front and sides of the New Brighton pier during the fireworks display.

As presented to the Arts, Culture and Heritage Committee meeting of 13 May 2004, should be proceeded with.

EXPLANATION

The Festivals and Events Subcommittee recommendations were contained within an overall Festivals and Events Subcommittee update report to the Arts, Culture and Heritage Committee May 2004 meeting and were mistakenly overlooked at the time. A summarised version of the report was included which did not contain all of the information and staff recommendations.

The report appears on page 40 of the May Council meeting agenda under clause 4.2 Items Received - Festivals and Events Subcommittee Update.

The full report as considered by the Festivals and Events Subcommittee in April 2004 follows.

“FIREWORKS BYLAW

Officer responsible: Marketing Manager	Author: Islay McLeod, Events Team Leader, DDI 941-8255
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The purpose of this report is to 'report to' the Festivals and Events Subcommittee, as requested at the last meeting, on the feasibility and advisability of passing a bylaw to prevent the public letting off of fireworks at New Brighton Beach on the night of the Meridian Energy Fireworks Extravaganza.

BACKGROUND

It was a consensus opinion of the Subcommittee members that the proliferation of people letting off their own fireworks at this event is, at least, annoying to others and, at worst, has a very real potential to frighten and injure others.

Unfortunately, this is not unique to Christchurch. The same happens, for example, at the public Guy Fawkes' display on the Wellington waterfront.

By law, fireworks go on sale to the public two weeks prior to Guy Fawkes' Night and cannot be sold to the public at any other time of year. The childhood memory of fireworks in the backyard is as warm and cherished as those other iconic and sacrosanct experiences ... long, hot summer holidays ... first watch ...first bike ... Santa and the Tooth Fairy. The difference is, however, that the magic of those cannot be revisited, fireworks can. And so the annual ritual of Guy Fawkes banging off in back yards all over New Zealand on the fifth of November is enshrined.

DISCUSSION

And so, the Events Team stands on the balcony of the New Brighton Library every fifth of November eve and watches our painfully prepared Health and Safety Plan go up in smoke at the hand of the very people it's designed to protect! The question must be asked - when everyone knows the dangers and damage of fireworks, why have they not been banned by Central Government?

1 Cont'd

A key concern for us here and now however, would be the enforcement of such a ban. As Senior Sergeant Neville Hyland, who has headed the Police patrol on this event for five years, observed, the beach is a huge area. They have a team of 40 officers present on the night. A dozen are occupied with traffic which leaves the rest to manage crowd control.

Additionally, the Council's Events Team have 55 security guards, St Johns ambulance, the Fire Service on stand-by, Coast Care rangers patrolling the sand hills and 4YP managing the "youth zone".

As things currently stand, the event is "under control". The Police do have powers under the Summary Offences Act 1981, section 35, to prosecute anyone setting off fireworks in a dangerous manner, likely to cause injury or alarm. They have no powers of arrest on this one, but failure to supply name and details is an arrest able offence. Up from that fireworks-specific legislation, come disorderly behaviour, assault, attempted assault and so on. The Police say that most of the trouble in Brighton on the night occurs after the fireworks.

Most importantly, they advise that they would not have the resources to enforce a fireworks ban, particularly given the huge area involved.

Staff

Recommendation: *No fireworks ban bylaw."*

CHAIRMAN'S COMMENTS

Because of the fact that the Police have commented that they would not have the resources to enforce a fireworks ban, but do have adequate powers to prosecute anyone setting of fireworks in a dangerous manner, likely to cause injury or harm, the proposal to investigate a fireworks ban bylaw and the banning of fireworks from specific areas of New Brighton cannot be supported.

Chairman's

Recommendation: That the Festivals and Events Subcommittee recommendations be not proceeded with.

PART B - REPORTS FOR INFORMATION

2. ODEON THEATRE RETENTION

The Central City Mayoral Forum met on 25 May 2004, and discussed the report to the Council on the deputation to the 13 May 2004 meeting of the Arts, Culture and Heritage Committee. Messrs Peter Simmonds and Nick Paris had sought the Council's support to save the Odeon Theatre, following the current owners/developers' building consent application for the demolition of the theatre.

The Central City Mayoral Forum **agreed by consensus:**

1. That the Central City Mayoral Forum support recommendations 1 and 2 of the Arts, Culture and Heritage Committee:
 - That Council staff provide a heritage-based report for the retention of the Odeon Theatre.
 - That a co-ordinated report be prepared between the Council and various interested parties on appropriate future uses of the Odeon Theatre, to include a survey as to the need for a theatre of 600-700 seating capacity.
2. That a formal submission to oppose the demolition of the Odeon Theatre will be made by the Central City Mayoral Forum as part of any resource consent process, and the Forum will take such steps as necessary to retain the building.

Chairman's

Recommendation: That the information be received.

CONSIDERED THIS 27TH DAY OF MAY 2004

MAYOR