

OIA Response to Request for information on the National War Memorial Park's skateboard policy

10 September 2019

Date: 26 July 2019

Title: Response to OIA request for information on the National War Memorial Park's skateboard policy

Author: Ministry for Culture and Heritage

This document has been proactively released.

Some parts of this briefing would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the OIA). Where this is the case, the relevant sections of the OIA that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Section 9(2)(a) Information has been withheld to protect the privacy of natural persons.

26 July 2019

Dear **s9(2)(a)**

I refer to your request received on 5 July 2019, which has been considered under the Official Information Act 1982 (the Act), for the information on the National War Memorial Park's skateboard policy.

The policy regarding use of skateboards at Pukeahu National War Memorial Park is covered in the *Pukeahu National War Memorial Operations Manual* published 2016.

This policy classifies skateboarding as an “Inappropriate activity” and as such staff on duty at the National War Memorial are instructed to ask the perpetrators to cease the activity immediately. Should the request go unheeded staff will then call the security company that services Pukeahu National War Memorial Park. However, under Section 14 of this policy it states that skateboarding is permissible as a means of transport through the park.

Information being released

Please find enclosed all relevant excerpts from the *National War Memorial Operations Manual* related to inappropriate activities. All other materials from this document have been withheld as it has been determined to be out of the scope of your request.

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Private phone numbers related to our contracted security company contained in this document have been withheld under section 9(2)(a) of the Act – to protect the privacy of natural persons.

Information publicly available

The following information is also covered by your request and is publicly available on the the Wellington City Councils website: <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/bylaws/wellington-consolidated-bylaw-2008>

Please refer to *Wellington City Consolidated Bylaw 2008*. Specifically, Part 5, Section 22.2 d. relating to the use of Skateboards in public spaces.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

Brodie Stubbs
Manager Te Pae Mahara

Pukeahu National War Memorial Operations Manual – excerpts for release

3. Pukeahu Guiding Principles

The Pukeahu guiding principles provides guidance for development, management, protection and operation and public use of the Park.

3.1 Guiding Principles

In line with the vision and mission of Pukeahu, and in recognition of its special nature the following are the guiding principles for the operation of Pukeahu:

- Pukeahu belongs to all New Zealanders and all New Zealanders should be able to find meaning and a sense of ownership at Pukeahu
- We will encourage visitors to come to Pukeahu
- We will actively engage visitors to improve their experience
- We will encourage everyday use of Pukeahu but discourage any activity which does damage or interferes with others enjoyment of the place
- All official activity will be accessible to all (physically and conceptually) and will be distinctly New Zealand in character
- Pukeahu is a safe place to work and visit
- We value our relationship with mana whenua

10.1 Dealing with Inappropriate Behaviour

As employees of the Ministry for Culture and Heritage (the occupier), Pukeahu staff are authorised to stop what is considered inappropriate behaviour at Pukeahu. Inappropriate behaviour is anything which causes damage to Pukeahu or is a nuisance to other users of Pukeahu. Examples of such behaviour are skateboarding, rollerblading, cycling (other than being used as a mode of transport), busking (no licences will have been issued for this area), ball games and consuming alcohol (Pukeahu is within the liquor-free zone).

Most users of the Park will not necessarily realise their behaviour is not appropriate, so it is essential that any approach to them is given in an appropriate and polite manner. Therefore it is important to deal with inappropriate behaviour as soon as it is noticed. When dealing with minors, check first whether there are parents nearby and talk to them first. If it is known that they are school pupils, phone the school and report the incident. For Wellington High School they should send a staff member to deal with their students.

The following approach has been designed to manage inappropriate behaviour while keeping staff safe. There should be no risk to staff safety in approaching members of the public to ask them to stop a certain activity. However, if it appears that an approach will risk your safety, Police should be called immediately.

10.3 Stepped Approach to Dealing with Inappropriate Behaviour

The following steps should be followed in dealing with any inappropriate behaviour. Also see Appendix G for the flowchart on how to deal with inappropriate behaviour.

Step 1.

Verbal request – politely advise the offender(s) that we request the inappropriate behaviour stop immediately. This can be followed up with an explanation of why the behaviour is inappropriate: it is causing damage, is a nuisance to other visitors, breaches the liquor ban, etc.

“Hi there, I am a staff member at Pukeahu National War Memorial Park – could I ask that you please stop [skating/drinking/climbing on the memorial], as this is not permitted at the Park.”

No further action needed if the inappropriate behaviour stops.

Step 2.

If the polite verbal request to stop the inappropriate behaviour is refused, advise that they will be asked to leave the Park and that if they refuse advise that Simply Security and/or the Police will be called. If the offender(s) become aggressive in any manner - do not engage in further discussion – return to the office and call Simply Security at the GWE.

“I have asked you to stop [behaviour]. You now have the choice to either stop or to leave the Park. If you refuse, the Security and the Police will be called.”

If needed contact Simply Security on s(9)(2)(a) .

No further action is required if the inappropriate behaviour stops.

Step 3.

Walk back to the NWM and assess the situation from a safe distance. After five minutes, if the offender(s) still don't stop call Simply Security and advise them that you are also calling the police on 111.

While waiting for the Police, complete a trespass notice in writing (make three copies). As you are unlikely to know the offender(s) name, note down a description of the offender(s) and CCTV footage can potentially be used to identify them. Also call or email the Heritage Projects Manager to inform them of the incident.

When the Police have arrived on site, hand the offender(s) the trespass notice in the presence of the Police. To serve a notice you simply hand it to the offender(s). If they refuse to accept it and it drops on the ground, it is still considered served. Keep that copy and note down that the person refused to accept the notice.

Step 4.

Inform the Curator and log the incident on Kayako through the intranet or, for casual staff, complete the paper incident form to be logged on Kayako later. All threatening incidents need to be logged onto the 'security section' of Kayako so that the Ministry's Security Committee are aware of each incident and so that each incident is investigated, with any changes required actioned.

NOTE: Carry a panic button on the lanyard at all times and set off by pressing button should you consider yourself in any situation requiring immediate help. Simply Security will respond and will be on hand for assistance within a few minutes.

14. Inappropriate Activities

The following is a list of activities deemed inappropriate at any time unless approved by the Ministry for Culture & Heritage.

- Loitering with intent
- Commercial activities
- Political rallies
- Skateboarding, rollerblading, cycling (unless passing through)
- Sport games
- Rowdy behaviour
- Parties
- Weapons and pyrotechnics
- Funerals

- Weddings
- Filming (unless permitted by MCH) other than for ceremonial or educational purposes

Should any of the activities occur then the duty Pukeahu staff will ask the perpetrators to cease the activity immediately. Should the request go unheeded then call Simply Security s9(2)(a) and/or the police emergency 111.

Appendix G – Flowchart on Dealing with Inappropriate Behaviour at Pukeahu

If at any stage the offender(s) become aggressive in any manner
– walk away and do not engage in any further discussion, call 111 straight away
 If the offender follows you into the National War Memorial
– lock yourself in the NWM office, call 111 straight away

