

TRADING AND EVENTS IN PUBLIC PLACES POLICY 2018

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TRADING AND EVENTS IN PUBLIC PLACES POLICY 2018

1. INTRODUCTION

Trading and events in public places, where appropriate and well managed, can add character, vibrancy and safety to urban areas and can attract visitors to these locations. The valuable contribution these activities can make to the local culture and economy is widely recognised.

The Trading and Events in Public Places Policy provides the framework to balance street activities against the needs of the environment and the impact public and commercial activities may have on private properties adjacent to public areas.

This policy gives effect to the Public Places Bylaw [2018] and is one of the policies referred to in the bylaw. It should also be read in conjunction with the Council's General Bylaw 2008; Traffic and Parking Bylaw 2017; Parks and Reserves Bylaw 2016; and the relevant rules, policies and objectives in the District Plan.

2. PURPOSE

This policy aims to ensure that trading and events in public places enhance the life and attractiveness of an area by adding vibrancy and appeal, without inhibiting the safety and efficiency of pedestrian movement and vehicle travel.

2.1 Policy objectives

The objective of this policy is to enable activities that complements the existing commercial sector, meets the needs of residents and visitors, and provides diversity and opportunities to hold a variety of events.

Specifically, the policy seeks to:

- Encourage diversity, vitality, and amenity in public places
- Ensure commercial activity and all events in public places results in minimal disruptions to pedestrians and other users of public places
- Protect the urban, heritage and natural environment
- Minimise the effect on existing businesses in the vicinity of the activity
- Clearly outline the Council's decision making process.

3. PERMITS AND LICENCES

Unless otherwise stated, trading and events are only allowed in a public place with consent from the Council. A permit given under this policy only gives the applicant the right to trade or organise events in the specified public area. It is **not** a permit for the purposes of food hygiene, sale of alcohol, traffic management, or any other legislative requirements, and does not cover private roads, state highways or other roads under the control of the New Zealand Transport Agency, except where responsibility has been delegated to the Council.

Some activities are allowed in public places without a permit from the Council, provided they are carried out in accordance with this policy, including:

- Permission will generally not be required for small gatherings in reserves, e.g. a small group picnic or impromptu games, although if dedicated space is required it can be booked through the Council website (fees may apply);
- Street performers performing in the central city, provided they are abiding by the Code of Conduct;
- Any Special Use Area resolved by the Council.

3.1 Choosing a location

- **Private Land, Markets or Events**

You will need to get approval from the event/market organiser or landowner. If you are selling food or beverages, you will still need to apply for food registration and/or alcohol licences but you won't need a Council permit.

- **Cathedral Square**

Cathedral Square is a special purpose precinct. Any trading activities or events must recognise the important heritage of the area.

- **Victoria Square**

Victoria Square has been recognised as an open space area that can be used for festival and theme day activities. Decisions on specific applications for Victoria Square will take into consideration the high quality and unique character of the Square's environment.

Regular market days, food fairs, and similar promotions will not be approved in Victoria Square.

The Ice Cream Charlie Vanilla Ices mobile stall is authorised to continue to use a designated portion of the roadside adjoining Victoria Square because of the long-standing history that the operation has had in the city. No other permanent mobile shops or other ancillary activities, such as stalls selling market-type items, will be approved.

- **Recently established, and under development, public places in the Central City**

Following the 2010-11 earthquakes, new public places have been established to regenerate the central city, including public places within the East Frame, South Frame, and Otākāro-Avon River Precinct.

Opportunities are/will be available to use the public places in these areas for community-centred activities. Activities in these areas must complement the vision for the area.

Availability to use these public places is dependent on the completion of each development.

- **Roadside activities**

No permission will be given for mobile trading on State Highways, arterial routes (as defined in the District Plan) or roads with a speed limit that exceeds 50km/hour. This to ensure the safety of vendors and customers as well as pedestrian and vehicular traffic. Exceptions can be made if the activity is part of an organised event and all traffic management requirements are met.

Temporary mobile food stalls are not permitted in the central city, Lyttelton Township Main Business Area, or Akaroa Township Main Business Area, unless part of an organised event or market.

3.2 OBTAINING A PERMIT OR LICENCE

Applications will be considered on a case-by-case basis. The Council will notify the applicant in writing of the outcome of the approval process. The Council may require modifications to the applicant's proposal and these will be discussed with the applicant before approval is granted.

This policy supersedes any permit/licence previously given by the Council and new permits/licences must be applied for in accordance with this policy. Any current permit/licence with an expiry date may continue until the expiry date or as otherwise stated in the permit/licence.

If the Council declines a permit/licence, the Council will provide reasons for the refusal in writing.

Application forms are available on the Council website.

Guiding Principles for Issuing a Permit or Licence

When deciding whether to approve or decline an application, the Council must consider the following matters:

1. Consistency with the Council's bylaws, policies, strategies and plans, as well as other governing legislation (e.g. traffic legislation, Resource Management Act 1991, Reserves Act 1977);
2. Appropriate location – the activity should enhance the existing function of the area, potential impacts on existing businesses must be taken into account and mitigated, where possible;
3. Accessibility - whether it is likely to cause a nuisance, obstruction or a hazard to mobility impaired persons, other pedestrians or vehicular traffic;
4. Safety – including health and safety, and any traffic management issues;
5. Diversity and quality – the use of public places should provide opportunities for the public to participate in activities such as leisure, recreation and entertainment;
6. Suitability - Any negative impacts the activity might have on the amenity of the proposed area, with special regard to noise levels;
7. Sustainability – applicants are encouraged to integrate environmentally friendly practices in their operations.

3.3 FEES

Fees may be charged for commercial activities or events in public places. The Council's Schedule of Fees and Charges is available on the Council's webpage. The fees and charges are revised on an annual basis. The permit/licence applicant must pay the full fee and/or bond, and supply all the required documentation before written approval is issued.

The Council reserves the right to charge rental fees for all commercial activities on a public place. The rent will be set at a level that reflects the value of the location and ensures that businesses on private property are not unfairly disadvantaged. Further fees may be charged depending on the scope of the event/activity, and in accordance with any other approval that may be needed. This may include the payment of a bond.

Fees may be waived at the discretion of an authorised officer for a voluntary organisation, school or community group where satisfactory evidence is produced that the proceeds from any trading are retained wholly for charitable or community purposes.

4. GUIDELINES FOR ACTIVITIES COVERED BY THIS POLICY

Any one trading or holding an event in a public places must abide by the general conditions, conditions specific to the activity and any conditions in the permit/licence.

4.1 General Conditions

The general conditions upon which written approval is granted may include, but are not limited to, the following:

- a. The permit/licence must be prominently displayed so that it is able to be read by the public at all times during the approved activities;
- b. All permits/licences are non-transferable and can be suspended or cancelled at any time due to non-compliance;
- c. The times and duration of operation;
- d. Unless specifically allowed to remain, any associated equipment must be removed from the site at the end of each day;
- e. The trading or event area should be left clean and tidy, and all rubbish must be properly disposed of;
- f. Requirements for public liability insurance;
- g. Restrictions on the use of amplified music/sound, including generators;
- h. Emergency vehicle access must not be impeded;
- i. Obtaining any other required permits – this is a pre-requisite of a permit/licence to trade or hold an event in a public place, including any necessary traffic management plan, corridor access request, food plan or alcohol licences, resource consents, etc.

5. EVENTS

Events help us celebrate our identity and environment, bringing life to the city and attracting local, national and international visitors to Christchurch. The Council supports events due to the wide array of social, cultural and economic benefits events provide. Events can lead to stronger communities by bringing people together, raising community spirit and pride in local neighbourhoods and the city.

All event organisers, including Council organised activities and events, must obtain an **event permit** to operate in a public place.

6. TRADING

Trading in public places includes any activity that that is undertaken for payment or reward.

6.1 MARKETS

Any group or individual interested in a site, or establishing an open air market, should contact the Council. Market stall applicants must approach the market organiser directly for a site.

The Council may consider permitting the establishment of open air markets in other public places on an individual basis:

- Registrations of interest to run a market may be called to operate the market on the expiry of a licence term;
- All stall sites open for tender will be publicly advertised;
- The allocation of all Council-administered market and stall sites will be decided by a weighted attribute method of tender.

6.2 STALLS

Stalls are a common way to start a business, promote products at events, raise funds for charitable and educational organisations, or as a way for existing food businesses to reach new customers.

Any person wanting to run a stall to prepare or handle packaged or unpacked food for retail sale generally needs a **licence**. See 6.1 above if the stall is part of a market.

Stall operators selling food must also comply with the Food Act 2014 in respect of food to be sold at the stall.

6.3 MOBILE OR TRAVELLING SHOPS and MOBILE FOOD STALLS

Mobile trading is the temporary trading activity from a location which is vacated once trading has ended for the day. For example, roadside stalls; coffee carts; and ice cream trucks.

A **permit** is required to operate a mobile food stall.

Most sports and regional parks with offsite parking can accommodate temporary mobile food stalls, such as coffee carts and ice cream trucks. Vendors at parks should always take care not to damage the grassed surfaces, and to seek permission from organised groups using the park. Contact the Council to book a location.

Permanent mobile food stall sites are listed in a register on the Council website. The allocated sites for permanent mobile food stall locations are tendered on the expiry of a licence.

6.4 GOODS OR SERVICES FOR SALE OR HIRE

A **permit** is required to display goods or services for sale or hire in a public place. This activity includes businesses using the footpath outside their premises to display goods, such as clothing, tables with items for sale, and recreational equipment for hire.

Where goods or services are for sale or hire, the items:

- Must not impede the movement of pedestrians or vehicles, or be likely to cause danger to any person;
- Must be placed immediately adjoining the premises from which the good and/or services displayed may be purchased;
- Be removed from the public place when the business is closed, or secured to the appropriate infrastructure, e.g. bike stands;
- Goods on display must not be dangerous or offensive.

6.5 HAWKERS/PEDLARS

A hawker is someone who travels about carrying goods for sale unsolicited to the public, but does not display them on a table or stall. A **permit** is required for hawking in a public place. Trading from a fixed location is not permitted.

Hawkers/Pedlars are not permitted in:

- The Central City; or
- Akaroa Township Main Business Area; or
- Lyttelton Main Business Area.

6.6 STREET PERFORMERS

Christchurch has a strong history of street performance which adds to the character of the city. Busking and other street performance makes an important contribution to the vibrant cultural life in Christchurch. All street performers, whether they need a permit or not, must comply with the **Code of Conduct** for Street Performance. The Code of Conduct is on the Council's website (www.ccc.govt.nz).

A street performance **permit** is required:

- if a street performer wishes to perform outside the central city;
- for all performances in Council parks and reserves (including within parks in the central city);
- for any street performer using dangerous materials, objects or animals - any other applicable legislation and policies must also be complied with. Dangerous materials include but are not limited to, substances that are flammable, toxic or hazardous, sharp implements or those that pose a risk.

A permit is valid for a period of up to one (1) year, and the street performer will be able to nominate locations where they wish to perform.

Pavement Art is not permitted in the central city unless it is part of an approved event. A street performance **permit** is required for pavement art. The following conditions apply to pavement art:

- Use of materials that can easily be washed off without leaving any residue. The materials must not be slippery or create a public hazard;
- If the pavement art is created on a removable surface, such as plastic, canvas or paper/card, and is fixed to the pavement, it must be with a product that does not leave any residue;
- The site must be kept clean, tidy and safe at all times;
- Commercial advertising is not permitted in pavement art;
- The artist must not offer individual works of art or products for sale at the site.

The Council may, from time to time, designate specific areas where street performance (including pavement art) is permitted or prohibited. The nominated street performance areas will be included in a Register on the Council website.

In addition, all street performers should note that the sale of any goods is not permitted as part of the street performance activity. A separate **trading permit** under this policy must be obtained to do so.

6.8 FUNDRAISING

The Council works with the Public Fundraising Regulatory Association to roster face-to-face fundraising organisations in the city.

Any individuals, groups or organisations wanting to use a public place to fundraise, and that are not members of the Public Fundraising Regulatory Association, must contact the Council to determine the suitability, location and time.

6.9 PROMOTIONS

Promotions include activities where promotional material is handed out, e.g. pamphlets, free goods. Where a promoter requires exclusive space to park a vehicle or set up equipment an event permit may be required. Contact the Council to discuss the activity.

Promoters should be mindful of the amount of litter that the activity generates, and seek to minimise this by not forcing people to take the item if they do not want it, and picking up any discarded promotional items in the vicinity of the activity.

6.11 OTHER ACTIVITIES

For activities not specifically listed in this policy, the Council recommends contacting it on 03 941 8999 to discuss whether a permit/licence is required for the activity.

Applications for permits/licences to undertake commercial activities other than those already identified in this policy will be considered on case-by-case basis, taking into account the type of activity, the environment the applicant wants to operate in and the impact on local existing businesses.

7. MONITORING AND ENFORCEMENT

The Council will regularly monitor trading and events in public places to ensure that permit and licence holders are complying with their permit or licence conditions. The staff with delegation to grant permits/licences will monitor trading and events in public places, and any issues that cannot be resolved may be referred to the Regulatory Compliance Unit.

Anyone trading or holding an event in a public place without a permit will be asked to cease the activity and remove any associated equipment/material.

Non-compliance with a licence or lease will be managed in accordance with the conditions of the relevant licence or lease

8. COMPLAINTS

Complaints about traders or events may be made to the Council via the Council's website or by phoning 03 941 8999.

When contacting the Council to make a complaint, the complainant should, where possible, provide:

- The name and permit details of the trading, event or activity operator;
- The time, location and type of activity;
- Details of the issues.

Complaints regarding violent, disorderly or offensive behaviour should be referred in the first instance to the Police, and then to the Council.

Complainants are encouraged to talk to the trading, event or activity operator to explain the issue and potential resolution (e.g. trade or perform elsewhere, reduce the noise level, or relocate if the activity is on a prohibited site).

Approval date

22 November 2018, to come into force on 1 December 2018.

Date to be reconsidered

Policy to be reviewed in conjunction with the Public Places bylaw review, or earlier if required.

Owner

General Manager, Strategy and Transformation

9. DEFINITIONS

In this policy, unless the context otherwise requires:

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| AKAROA TOWNSHIP MAIN BUSINESS AREA | includes Beach Road (Rue Benoit to Bruce Terrace/Lighthouse), Church Street, and Rue Lavaud. |
| AUTHORISED OFFICER | means an officer or other person appointed by the Council to perform duties or give permissions under the Public Places Bylaw 2018, including an enforcement officer. |
| BYLAW | means the Christchurch City Council Public Places Bylaw 2018 |
| CENTRAL CITY | as defined in the District Plan, means the area bounded by and including Moorhouse Avenue, Fitzgerald Avenue, Bealey Avenue, Park Terrace, Rolleston Avenue and Antigua Street (to Moorhouse Ave) |
| COMMERCIAL ACTIVITY | includes: <ul style="list-style-type: none">• trading, which includes selling, hiring, or displaying for sale any goods or services;• advertising goods, services or events;• street performing;• other activities undertaken for payment or reward.• |
| CORRIDOR ACCESS REQUEST (CAR) | Means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm prior to performing the work or activity. |
| COUNCIL | Means the Christchurch City Council and includes any person authorised by the Council to act on its behalf. |
| FOOD STALL / MOBILE FOOD STALL | Means a stall selling food and that meets the requirements of the Food Act 2014. |
| ENFORCEMENT OFFICER | Means any person who has been appointed as an enforcement officer by the Council under the Local Government Act 2002 |
| EVENT | means an organised temporary activity with set start and end dates, which is set-up in a public place. It may be free or ticketed, conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition. An event may include the erection of structures, setting up of equipment, and other activities that could require exclusive use or prevent access or use by others of the public place. |
| HAWKER | Includes a pedlar or any person with goods, wares or merchandise for sale that are either carried or taken around by the seller and offered unsolicited to the public in a public place. For avoidance of doubt. It does not include stallholders or mobile or travelling shops. |

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|---------------------------------------|---|
| LICENCE | Means a contractual agreement with the Council that authorises the applicant to carry out a specific trade for a specified duration. |
| LYTTELTON TOWNSHIP MAIN BUSINESS AREA | Includes London Street (Oxford St to Canterbury St), Oxford Street (Norwich Quay to London St), and Canterbury Street (Norwich Quay to London St). |
| MOBILE OR TRAVELLING SHOP | Means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise may be purchased in the road or from which services are offered for sale in the road; but does not include any vehicle on or from which food is sold for consumption (see (mobile) food stall), or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise. |
| OPEN AIR MARKET | Means any outdoor place, accessible to the public, where goods or services are offered for sale, which usually consists of several stalls grouped together. |
| PAVEMENT ART | Means temporary images or drawings created for the purposes of public exhibition either directly on to the pavement or on removable surfaces, such as paper or plastic, laid out on the pavement. Advertising on the pavement is not considered to be pavement art under this policy. |
| PERMANENT MOBILE STALL | Means a mobile stall that has a lease agreement with the Council for more than six months. |
| PERMIT | Means a permit issued by the Council under the bylaw |
| PUBLIC PLACE | <p>means an area that is open to or used by the public, and which is-owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.</p> <p><i>Explanatory Note: Privately-owned public places, such as lanes or squares, will only fall within the above definition if they are also managed, maintained or controlled by the Council. The Council will consider on a case-by-case basis in discussion with the land-owner whether any privately-owned public places should come under Council's management, maintenance or control for the purposes of this Bylaw. Similarly, the Council may enter into an arrangement with the Crown to manage, maintain or control its land by mutual agreement, usually where the land is adjacent to Council-owned land.</i></p> |
| ROAD | has the same meaning as in section 2(1) of the Land Transport Act 1998 |
| STREET PERFORMANCE | Includes busking and means a person or group of persons who is/are actively providing a performance to entertain in exchange for a donation. A street performance may include sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, statue |

acts, dancing or other entertainment, or doing any of those things concurrently.

TRADING Includes selling, hiring, or displaying any goods or services for sale

**TRAFFIC
MANAGEMENT
PLAN** Means a document describing the design, implementation, management, and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

**TEMPORARY
RETAIL** Means any stand, stall, tent, mobile shop, vehicle, vessel, or other setup from which goods and/or services are sold that is open in a temporary nature and removed when not in use.