



4. STALL SITE AT SUMNER BEACH

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INTRODUCTION

The purpose of this report is to inform the Council of the legal and procedural aspects of granting a stall site licence at Sumner at the corner of Main Road and The Esplanade, and to seek a Council decision on a request received for a stall site licence.

The following are the relevant Council policies:

- Signboards in Public Places Policy. Adopted 22 July 1998
- Stall Site Licencing Policy. Adopted 20 September 1995
- Policy on Street Trading in the City of Christchurch. Adopted 16 December 1999

BACKGROUND

In December 1999, the Hagley/Ferrymead Board gave approval to Mr R M McCarthy in accordance with the Signboards in Public Places Policy to erect a sandwich board sign in Sumner advertising paragliding flights subject to the following conditions:

- (a) That the location of the sign be restricted to the area of footpath on the beach side of Main Road from the Surf Club site in an easterly direction for approximately 80 metres.
- (b) That this approval does not give any exclusive rights to any available parking in this area.
- (c) That the sign must be attended at all times otherwise removed.
- (d) That the approval is not transferable.
- (e) That this approval is for the placement of the sign and in no way can be taken as approval for the activity of paragliding by the Council as all necessary licences pertaining to the flying operation and sites of operation require the approval of others.
- (f) That the Council will have the absolute power to revoke this approval in the event of justifiable complaints about the operation of this licence.
- (g) That the licence be granted for a trial period until 31 March 2000.

In March 2000 the Board gave approval to Mr McCarthy for a sandwich board sign to be displayed in Sumner under the above conditions for a further 3-month period.

The Board further resolved at its March meeting that the ongoing availability of this site beyond this 3 months extension would be conditional upon the Council approving this as a stall site.

On 3 May, Mr McCarthy addressed the Board requesting that the Board consider approving his use of this site for a further 12-month period. In his address to the Board Mr McCarthy advised that he was selling flights from this area and in order to demonstrate the nature of his business to customers it was necessary to display the paragliding chute on the adjacent lawn area. Given that Mr McCarthy wants to sell a product from this site and display his paragliding chute on the grassed area, he needs a stall licence.

At its 3 May meeting the Board resolved that a report on the legal and procedural aspects of granting a stall site licence on this area of Reserve in Sumner be prepared.

DEFINITION OF THE SITE

The site in question on the corner of Main Road and The Esplanade is legal road. The lawn and planted area is administered and maintained by the Parks Team.

PROCEDURES FOR APPROVING STALL SITES

Section 684(1)(41) of the Local Government Act empowers the Council to make bylaws permitting "...keepers of stalls in such roads, public places, and state highways as the Council thinks fit and fixing charges in respect of those permits...."

The Council process that is applied to approve stall sites is as follows:

- Site identified as suitable for stall site, or application received from an operator to use an area of Council land.
- Consultation process undertaken – including input from Council units, local community, Police, etc.
- Report with recommendation to establish a stall site is forwarded to the relevant Community Board.
- Board agrees with staff recommendation to establish the stall site.
- If the land is located upon a park it will be a publicly notified proposal as a notified resource consent application. Resource Consent is not required if the stall site is on road.
- Council approves Board recommendation.
- Property Unit of Council calls for tenders for the stall site, allocates using a weighted attribute method and administers the site.

SUMMARY

The Board has approved Mr McCarthy using this area of land to display a sandwich board sign until the end of June and that the ongoing availability of this site beyond this three months extension would be conditional upon the Council approving this as a stall site.

Mr McCarthy has requested approval for the use of this site for a further 12 month period. Since Mr McCarthy proposes to sell a product from this site, which is legal road, Council approval of the site as a stall site is required. If the Council were to approve such a use, the appropriate process would be for tenders for the use of the stall site to be called by the Property Unit.

PREVIOUS BOARD DISCUSSION ON STALL SITES IN SUMNER

The Hagley/Ferrymead Community Board in 1994 considered the issue of establishing a food stall site on The Esplanade and passed the following resolution:

*“The Board **resolved** not to approve the placing of the proposed stall site or any future balloting of new stall sites on any part of the Esplanade.”*

Recommendation: That the request for use of this area of legal road in Sumner as a stall site be declined.