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Corporate Plan Output: Environmental Health Policy Vol II P.7.2.Text.12	

The purpose of this report is to initiate the review and consolidation of the Council's policy on street trading and the operation of stalls on roadways and public places controlled by the Christchurch City Council.

BACKGROUND AND EXISTING POLICIES

At its meeting on 23 September 1998 the Council resolved that, in recognition of changes having taken place over the last ten years, the policy for street trading in the central city, including that relating to the selling of cooked foods, be reviewed.

A number of the provisions of Christchurch City Public Places and Signs Bylaw 1992 could apply to this activity, as it is undertaken over the whole of the City.

Clause 6, Trading in Public Places states, ... no person shall ... sell or expose for sale any food, on any road or public place without a licence issued by the Council and only in compliance with the conditions imposed by that licence.

Clause 12, Appeals -Raffles - Collections applies to fund raising activities and requires that no person on any road or public place shall undertake such activity without first obtaining a written permit from the Council and subject to any conditions of that permit.

Clause 24, Permit Required states; No person shall, without having first obtained a permit from the Council: (a) Stand in, or occupy any portion of any public place with, or place or maintain on any portion of any public place, any stall (including a vehicle used as a stall) or structure, for the purposes of distributing or selling any food, ...

In terms of the bylaw, there are a number of policies adopted by the Council, often through different committees, which seem to have been adopted without consideration of other policies relating to the same subject. In 1992 the Council adopted a general policy which states the following:

1. *All permanent or semi-permanent commercial stalls or selling sites shall be open to ballot or public tender as appropriate and on payment of any fee prescribed by Council.*
2. *All stalls or selling sites for non-commercial/ charitable and/or temporary purposes shall be considered on application on a case by case basis, and may be approved subject to appropriate conditions and payment of any fee prescribed by the Council.*
3. *Conditions of any approval shall have regard to location (road or reserve or any other public place), size, type of trading, time, food, hygiene, sale of liquor, drainage, traffic, litter, conditions or any other matter as applicable.*
(Council, 27 August 1992)

When the Council considered the matter of street trading in the Central City, due to activities occurring in the then recently completed Worcester Boulevard, the following policy was adopted:

1. *That the Council set fees for the selling in the street or in public places or stands or stalls.*
2. *That all stall or selling sites be open to ballot or public tender as appropriate.*
3. *That the Council define the areas in which stalls can operate within the Central City as follows:*
 - *within Cathedral Square (as approved by the Council in August 1991)*
 - *limited provision only in City Mall and Oxford Terrace (subject to further refinement as to exact location and type)*
 - *no provision within Victoria Square, Worcester Boulevard or along the riverbanks for trading (Council, 27 April 1992)*

There are a number of more specific policies, related largely to operational matters, contained in the Policy Register (reflecting decisions made to 31 December 1997).

The *Stall Site Licensing Policy* relates to tendered Council administered sites (Council, 20 September 1995), and *Stalls in Cathedral Square and City Mall* relates to limiting permanent specialised food stalls in Cathedral Square to seven only, and covers the activities of the *International Food Fair* and the *Heart of the City Market* (Council, 23 September 1991 and 16 December 1991).

The 1991 policy relating to stalls in Cathedral Square included the following matters:

That the Council limit the number of permanent specialised food stalls in Cathedral Square to seven only.

That a regular review be conducted of the type and quality of food available.

That the possible relocation of the International Food Fair be deferred until such time as the current review of the City Plan is completed.

That the rentals and charges for all stalls be applied on a current commercial basis for comparable rental space adjoining the Square, with recovery of all costs.

That the design and appearance of the stalls and markets be reviewed so that they will meet the requirements of the new Cathedral Square proposals in the future.

At its meeting on 10 December 1998 the Council resolved the following, as part of the current redevelopment of Cathedral Square:

1. *That a policy for the establishment of street stalls based upon six to eight small stalls, the location of each generally in accordance with Attachment 2 (Activity Plan), be supported.*

2. *That the provision of the single market day each week, each location to be generally in accordance with that shown on the Activity Plan (Attachment 2), be supported.*

In the case of provision for tables and chairs being placed on footpaths and roadways, it appears that until 1998 there was not a general policy in place, although this activity had been in place since prior to the amalgamation of territorial authorities in this area. My understanding is that these were dealt with on a case by case basis. There is a requirement, in addition to that contained in the bylaw, that persons wishing to undertake such activities must have a licence to “occupy legal road” which may be granted by the Council subject to conditions. At its meeting on 25 March 1998 the Council adopted the following policy:

1. *That the Council adopt the view that in the central city use of extension of outdoor seating and tables onto the footpath/roadway be encouraged.*
2. *That the following criteria be used as guidelines in determining applications:*
 - (i) *The site not being on an arterial road.*
 - (ii) *That there be no stopping, taxi stands, or short term parking restrictions at the site.*
 - (iii) *It should be directly related to the activity carried out in the adjacent business.*
 - (iv) *There is no conflict with the immediate neighbouring land uses or with the historical character of the building or area.*
 - (v) *That the site is suitable climatically (has a northerly or westerly orientation).*
 - (vi) *That there will be no interference with the safe and convenient movement of pedestrians.*
 - (vii) *The development is not one that would detract from the immediate streetscape of that section of road.*
 - (viii) *The building associated with the extension has appropriate facilities to cater for the extra customers, including sufficient accessible toilets, with prominent signage.*
 - (ix) *A bond be paid to allow for the future removal of the extension.*
 - (x) *The rental be based on a market value of each square metre and paid on a quarterly basis in advance.*
 - (xi) *The works associated with the extension be designed to meet the requirement of the City Streets Unit.*
 - (xii) *If a liquor licence is to be issued then the Council reserves the right to withdraw the licence to occupy road space on the basis of non compliance of the conditions. This power be delegated to either the Environmental Services Manager or the City Streets Manager.*
 - (xiii) *The conditions of the licence will vary according to the size, the sale of liquor and location.*
 - (xiv) *Construction costs to be met by the owner, unless incorporated as part of an approved Council project.*

The above policy does not apparently apply to tables and chairs outside the “central city” area and consideration may need to be given to such requirements for other areas.

With the increasing popularity of the central city during the evening and night hours, a number of persons commenced to provide cooked food, largely BBQ stands or “sausage

sizzles”, from sites within the central city area. These had not been approved, and some objections to these were received from nearby commercial premises in the latter part of 1998. At its meeting on 23 September 1998 the Council determined that the Legal Services Manager be authorised to apply for an injunction against persons involved in the selling of food, without a licence from the Council, from temporary stalls in Oxford Terrace and City Mall west of the Guthrey Centre. They also decided that temporary licences be issued for four stalls in the City Mall in the area east of the Guthrey Centre and that these temporary licences be selected by way of ballot. Applications were called for and held and four persons were successful in being granted sites in City Mall.

Two injunctions have been served on persons operating without a licence from the Council and one of these persons is appealing the injunction. The Environmental Services Unit is undertaking enforcement action, partly through a private security firm which has officers warranted under the Christchurch City bylaw, and in general this has been successful in removing those unlicensed operators.

In the case of those using the approved sites it is advised that in general these have been operating satisfactorily in accordance with the conditions of the licence. The licence permits operations only between the hours of 10.00 pm and 4.00 am; the BBQ must be removed from the land at the end of hours of use; the land is to be kept free of litter at all times; absorbent ground cover to protect from spillages must be laid beneath the operating area; sufficient clear space (a minimum of 2 metres) must be maintained between the BBQ and any shop frontage; and the BBQ must be operated in accordance with the guidelines (relating to food hygiene) prepared by the Environmental Health Monitoring Section of the Environmental Services Unit.

Besides these temporarily approved sites, similar activities are occurring in other parts of the central city area without licences, but also seemingly without any major complaints. It is considered that these need to be addressed in any policy on such street trading.

DISCUSSION

The policy under the bylaw relating to trading in streets and public places has, to a large extent, been developed in a piecemeal fashion through more than one committee and over a number of years. In this examination any decisions made in regard to the use of parks and reserves for trading have not been taken into account. In those cases it is considered that the land, while nominally a “public place”, is largely operated under its own bylaws.

There has been, in developing policy on trading in streets or public places, considerable emphasis on such activities in the centre of the city rather than the city as a whole. This obviously represents the role that area plays in regard to a sufficient real or perceived customer base to support the street-based activities. Many of the activities that do occur provide support for persons using the central area, in particular; however, there are areas outside of the central city where larger numbers of people congregate from time to time and foods of a different type than may be available at presently existing outlets are sought. An example of this is outside Jade Stadium.

It would seem that any Council policy should make provision for licensing of such activities, on a limited basis, where the need may occur. To this end it is recommended that relatively general policy should be adopted to permit sites to be made available, subject to conditions, to enable the market to be satisfied particularly when other similar

activities are limited. For example, the Oxford Terrace café area, it is understood, has limited availability of “snack” type food in the evening and night hours for all the potential customers in the area on many nights. This is not least because of the limited capacity of the premises themselves. Some parts of the central city appear, at present, to be a magnet for late night activities for considerable numbers of people and the market is obviously there for temporary activities such as the BBQ stands and, at least previously, “hot dog” stands. The policy needs to address this matter in a similar way to that which has occurred with the growth in outdoor dining that has occurred through the extension of bars and restaurants into certain public places.

The issues, in regard to street trading policy, which need to be addressed in any new, and it is suggested consolidated, policy are as follows:

- Criteria for locations of sites, both within the Central Business District or central city and in suburban areas.
- Hours of operation.
- Numbers permitted at any location.
- Controls over appearance of the stall; food safety (in the case of food stalls); environmental effects from odours, rubbish, litter, noise, and cleanliness of the roadway or public place surfaces.
- The perceived competition with established retail businesses selling similar goods.
- Land rental charges.

The above matters need to be addressed in a general policy which enables some certainty in considering specific applications. In considering this matter the extent to which the Council wishes to support street and public place activities for wider purposes, such as has been done with the extension of tables and chairs onto roadways, requires consideration.

**Chairman’s
Recommendation:** For discussion.