
TRADING IN PUBLIC PLACES POLICY

1. PURPOSE OF REPORT

The report seeks the Committee's agreement to recommend that the Council consult on the draft Trading in Public Places Policy, attached as appendix 1. The consultation for the draft policy will be undertaken in conjunction with the draft Footpath Management Policy, because of the close relationship between the two policies.

2. EXECUTIVE SUMMARY

The Council adopted the Street Vending Policy in November 1991, which established current Council policy for trading on footpaths and streets. The policy takes a reasonably restrictive approach to street vending by prohibiting commercial street stalls in the CBD and limiting the number of mobile food stands to four locations. The policy also only permits hawkers to operate in public areas outside the Central Business District (CBD).

Trading in public places (like outdoor seating) can add vibrancy to public places by adding character and increasing activity levels. Public safety is often increased with the high levels of pedestrian activity that accompany such trading activity. For areas that have low pedestrian numbers, trading activities can stimulate interest in the area as a destination.

The Council has previously recognised the benefits of trading activities in public places. The Glover Park Management Plan "encourages more activity within the park to improve its appeal as a destination and therefore its use and safety". The Plan allows for limited commercial activities in the park such as outdoor cafes, vending stalls or retail kiosks in order to increase activity in the park.

In November 2005, the Council agreed to include a review of the Street Vending Policy as part of the broader review of the Footpath Management Policy. The scope of the policy has been expanded from 'street vending' to 'trading in public spaces' to ensure that there is sufficient policy direction in respect to trading activities across all public places. The draft Policy attached to this paper provides a decision making framework for the following activities:

- temporary retail stalls
- mobile food stalls
- recreational equipment hire
- hawking
- permanent retail kiosks
- open air markets.

Three general options were considered for the draft Policy:

- Option 1 – no trading in public places: Restriction on all trading activities in the CBD and suburbs.
- Option 2 – building on the status quo to become more pro-active with trading in public places: Expanding the approach taken with the Glover Park Management Plan to other areas of the city to enhance activity levels and vibrancy of areas. The Council would permit trading activities in locations based on consideration against the following conditions:
 - safe pedestrian movement is maintained
 - established businesses are not negatively affected
 - the location works well with the rest of the city
 - the location is highly visible and easily accessible
 - the location has low activity levels
 - there is less than desired public safety in the area
 - trading activities would improve the experience of the location in peak use
 - trading activities would not negatively impact locations designated as scenic areas or quiet open space.
- Option 3 – trading is a permitted activity: Allowing trading to occur in public places (except scenic reserves). Traders would have to adhere to certain conditions such as ensuring adequate pedestrian space and setting up a minimum distance away from similar businesses. This is similar to the current approach taken with sandwich boards and outdoor seating.

It is recommended that the Committee agree to consult on option 2 as the preferred approach. Under this approach, officers would identify areas where trading activities would bring life and atmosphere to locations in the city as well as enhancing the experience of certain areas. Recommended areas would be approved by the Chief Operating Officer.

Because the trading activities in public places have not been a major part of the city's retail mix, some trading licenses may be issued on a trial basis to ensure the activity fits with the primary function of the specified location. It is also important to control trading activities to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained.

In November 2005, the Council agreed to include a review of the Street Vending Policy as part of the broader review of the Footpath Management Policy because of the close relationship between the two policies (both policies provide guidelines for commercial activities in public spaces). The consultation will open 7 August and be undertaken in conjunction with the consultation on the draft Footpath Management Policy. Officers will report back to the Committee on submissions and any recommended changes to the draft policy in October 2006.

3. RECOMMENDATIONS

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to consult on the draft Trading in Public Places Policy attached as appendix 1.*
3. *Note that, if the final draft is approved in October, the Trading in Public Places Policy would supersede the Street Vending Policy, which would then be deleted.*
4. *Note that, if approved by the Committee, the consultation on the draft Trading in Public Places Policy will be undertaken in conjunction with the draft Footpath Management Policy.*
5. *Note that officers will develop decision making criteria for permitting trading in public places based on the following conditions:*
 - a) *safe pedestrian movement is maintained*
 - b) *established businesses are not negatively affected*
 - c) *the location works well with the rest of the city*
 - d) *the location is highly visible and easily accessible*
 - e) *the location has low pedestrian activity levels*
 - f) *there is less than desired public safety in the area*
 - g) *trading activities would improve the experience of the location in peak use*
 - h) *trading activities would not negatively impact locations designated as scenic areas or quiet open space.*

4. BACKGROUND

The Council adopted the Street Vending Policy in November 1991, which established Council policy for trading on footpaths and streets. The policy prohibits commercial street stalls in the CBD and allows for mobile food stands in four locations. The Policy also only permits hawkers to operate in public areas outside the CBD.

The Public Places Bylaw states that trading in a public place requires the Council's written permission and that permission may be subject to the following conditions:

- location, date and times goods or services can be sold
- types of goods or services that can be sold
- use of advertising and other promotional devices
- vehicle use
- site rental.

The Street Vending Policy provides direction on the approval of trading activities on the road reserve but there is not a wider policy to cover trading on other public spaces such as reserves or parks.

The Council has recently approved plans that allow for some trading in public places. In 2004, the Council agreed to the Glover Park Management Plan (relevant text attached as appendix 2). The Plan states that the Council will “encourage more activity within the park to improve its appeal as a destination and therefore its use and safety.” The Plan allows for limited commercial activities in the park such as outdoor cafes, vending stalls or retail kiosks in order to ‘activate’ the Park.

In November 2005, the Council agreed to include a review of the Street Vending Policy as part of the broader review of the Footpath Management Policy. The scope of the policy will be expanded from ‘street vending’ to ‘trading in public spaces’ to ensure that there is sufficient policy direction in respect to the Public Places Bylaw. It is proposed that, once adopted, the Trading in Public Places Policy would replace the Street Vending Policy.

5. DISCUSSION

5.1 Strategic Fit and Relevant Council Policy

The Council’s strategies and existing Council policies were reviewed to ensure that trading activities in public places align with the Council’s strategic outcomes. The key outcomes and policies that influenced the policy development are listed below.

5.1.1 Urban Development Strategy

Outcome 2: Stronger Sense of Place - Wellington will be a memorable, beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive landform and landmarks, defining features, heritage and high quality buildings and spaces. Building on Wellington’s distinctiveness will mean:

- protecting and enhancing the elements of the city’s sense of place
- increasing the focus on the quality of urban design, by integrating the planning of buildings and spaces, and the networks that connect them, at all scenes across the city.

Outcome 9: Safer – Wellington will be a safe place to be. Buildings, spaces and connections between them need to be well designed to make places lively and safe and facilitate contact among people.

5.1.2 Transport Strategy

Outcome 1: More liveable - Wellington will be easy to get around, pedestrian-friendly and offer quality transport choices. Ensuring the city is more liveable will mean priority walking routes to and within the city.

5.1.3 Economic Development Strategy

Outcome 3: More compact - Wellington central city will be the premier and most rapidly growing speciality retail, entertainment, service and knowledge centre for the

region, and Wellington's thriving suburban and rural areas will offer enhanced services and lifestyle choices.

5.1.4 Social Strategy

Outcome 9: Safer – Wellington will offer a safe living environment. In addition to initiatives designed to promote safety in the city, safety will also be enhanced through initiatives and programmes that act to support a vibrant city with increased levels of pedestrian activity and participation in the public environment. Active building edges and spaces provide the opportunity for more people to be coming and going at all times of the day, thereby adding to the vitality and safety of the city.

5.1.5 Public Places Bylaw

The bylaw stipulates that it is an offence to:

- carry out any listed activity in a public place before obtaining the prior written permission from the Council as required by the bylaw
- obstruct an entrance to or exit from a public place
- place, leave or carry any materials, thing or substance on a public place that could cause any obstruction or danger to a person or property in that public place
- park a vehicle in an area of a public place that is not specifically set aside for the driving or parking of vehicles.

5.1.6 Central City Streetscape Plan

The Central City Streetscape Plan provides standards and guidelines for the design and placement of elements within the street by both the public and private sector. The standards and guidelines ensure consistent design and installation of streetscape elements throughout the central city and are based on the following criteria:

- the streetscape is designed to be comfortable and safe for all pedestrians
- the streetscape is designed to accommodate a wide range of functions
- the streetscape is to be visually simple and free of clutter
- the streetscape is to be well-maintained
- the design and detailing of the streetscape is to be sympathetic to the local character and activity of an area
- the streetscape is to be designed so that utility services and private advertising are secondary to all other street functions.

5.2 Scope of Policy

Trading in public places is a private, non-pedestrian activity similar to other activities on public spaces such as outdoor café seating and retail displays. Like these activities, trading activities can activate public places by adding character and vibrancy to areas as experienced in other cities overseas and in New Zealand. Public safety is often

increased with high levels of activity. For areas that have low pedestrian numbers, trading activities can stimulate interest in the area as a destination.

The Council currently takes a reasonably restrictive approach to trading in public places. Certain locations in the city are unsuitable for trading activities given the existing function/usage, limited space and pedestrian flows. However, the Council can use the benefits associated with trading activities to enhance locations where appropriate.

It is important to control trading activities in public places to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained. As discussed in the draft Footpath Management Policy report presented to this Committee in June, there is heavy competition for footpath space (particularly in the CBD). The Council would need to ensure there was sufficient space for pedestrians to consider trading activities on footpaths. It is also important to consider the effects on established businesses when determining where trading activities can occur.

5.2.1 Types of Trading Activities

The list below discusses the various types of trading activities and their current distribution in Wellington that will be covered by the Trading in Public Places Policy:

- temporary retail stalls: Temporary retail stalls are set up and then taken down each day. The stalls or any material associated with the stalls are not stored in the trading location. There are currently no temporary retail stalls permitted on public land, however some people set up stalls on private land adjacent to footpaths in the CBD. Cities vary on what they allow in respect of temporary stalls. Some cities like Vancouver, for example, only consider handcrafted items and flowers for approval, which is similar to the criteria for craft markets. Other cities are more flexible in what is allowed and permit a range of goods such as tourist souvenirs.
- mobile food stalls: There are four mobile food stalls currently licensed by the Council located on areas of legal road:
 - corner of Dixon and Taranaki Streets
 - Railway Station (Bunny Street)
 - two on Oriental Parade from November to April

Another mobile food stall is located in Frank Kitts Park and is licensed and managed and licensed by WWL. There are also a few 'coffee carts' located on private land adjacent to footpaths. These carts do not need a license to setup business on private land but do need to meet food hygiene regulations¹.

- hire of recreational equipment: There are a few examples of recreation equipment hire in public places in Wellington and most are located on the Waterfront (managed by Waterfront Limited [WWL]). This includes the kayak hire outside of shed 6, the paddle boat hire in Frank Kitts Lagoon and the segway and 'crocodile' bike hire on Taranaki Wharf.

¹ The carts do have to meet all food and beverage hygiene/health and safety regulations.

- hawking: Hawking is defined as trading from a vehicle and only stopping long enough to sell to a customer. This practice is not very common and currently only allowed outside the CBD.
- permanent retail kiosks: Several cities internationally install small, well-designed kiosks that are located on footpaths or pedestrian areas (see appendix 3 for examples). These kiosks are limited in function and usually act as newspaper stands, confectionaries or fresh produce stalls. They need to be well placed to ensure they do not disrupt pedestrian flows or compete with similar businesses. There is currently one Council owned kiosk selling coffee at Freyberg Pool and the Council has installed electronic, tourism kiosks in the CBD as well.
- open air markets: Several cities in New Zealand and overseas have weekly open air markets. Markets often have high quality goods with a local flavour such as handcrafted items, art, ethnic foods and locally grown fresh produce. There are currently two weekly open air markets operating in Wellington and both sell fresh fruit and vegetables. One is managed by WWL and the other market is located on a private car park on Victoria Street.

5.2.2 Potential Locations of Trading

The Policy will apply to public places managed by the Council, including:

- footpaths
- streets
- pedestrian malls
- squares, parks and gardens
- sports fields
- reserves.

The Wellington Waterfront Limited is responsible for making decisions in accordance with this policy for the land it manages on behalf of the Council (see map attached in appendix 4 for the definition of the land under WWL management). The Council and the WWL will work out the most effective way of managing trading activities to achieve desired outcomes.

5.3 Advice from Independent Experts

5.3.1 Jan Gehl – City to Waterfront: Public Spaces and Public Life Study

In February 2004, the Council commissioned urban designer Jan Gehl to undertake a study of how Wellingtonians use public spaces in the central city. The report also provides recommendations on how to unlock the city's potential as a vibrant, dynamic and modern capital city. The list below details some of Gehl's key observations and recommendations that are relevant to the development of the policy:

- the key to establishing lively and safe public spaces is pedestrian traffic and pedestrian activities
- good walking conditions along with a possibility for stationary activities, pauses and experiences are the key to attractive and lively public spaces
- the main pedestrian activity in Wellington is along the Golden Mile and Cuba Street.

5.3.2 Chris McDonald – Design Framework and Principles for Draft Central City Streetscape Strategy

In May 2003, the Council commissioned Chris McDonald from the School of Architecture at Victoria University to develop a design framework and principles for the Council's Central City Streetscape Strategy. Some of McDonald's key recommendations and comments include:

- street activities like window shopping and outdoor dining are more likely to occur on “slow”, pedestrian-oriented streets as opposed to “fast”, vehicle orientated streets
- the pedestrian environments along slow streets can be enhanced through a range of pedestrian-orientated improvements such as street performers, outdoor cafes, street vendors and kiosks
- the Council should prohibit private initiatives that introduce changes to paving or street furniture within the public right-of-way
- the Council should ensure that public uses of the footpath, including informal activities such as sitting and pausing, are not compromised by businesses conducting trade on the footpath.

5.4 Principles of Trading in Public Spaces Policy

The draft policy's guiding principles are taken from the principles outlined in the draft Footpath Management Policy. The principles are slightly amended for relevance to Trading in Public Places and include:

- the Council's decisions on permitting trading in public places should be reflective of its strategic vision for the city
- pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible
- Wellington streetscapes and public places should be vibrant, safe and attractive
- Wellington public places should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment
- the Council should permit trading activities in a fair and balanced way that does not negatively impact on safe and efficient pedestrian movement and established businesses
- businesses, groups and individuals that are permitted to use public places for private activities are responsible for managing those activities in accordance with Council guidelines
- private initiatives that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted
- trading activities can add vibrancy, improve public safety and strengthen the existing function of areas.

5.5 Options for Trading

The general options considered for the Policy include:

- Option 1 – no trading in public places: Restriction of all trading activities in the CBD and suburbs. This would mean withdrawing licenses from current mobile food stall holders and reviewing the approach for Glover Park.
- Option 2 – pro-active targeted trading in public places: Expanding the approach taken with Glover Park to other areas of the city to enhance activity levels and vibrancy of areas. Officers would identify specific areas where trading would be beneficial, what type of vending would be allowed and how many vending licenses would be allocated for each area. Final approval for permitting trading activities in specific locations would be granted by the Chief Operating Officer. The approach would target open spaces such as recreation areas, inner city parks, squares and malls. Certain stretches of footpaths could be considered in some instances although pedestrian priority needs to be maintained on the footpath for this to occur. This is similar to approaches taken in Sydney, Melbourne and Auckland.
- Option 3 – trading is a permitted activity: Allowing trading to occur in public places (except scenic reserves and other inappropriate areas). Traders would have to adhere to certain conditions such as ensuring adequate pedestrian space and setting up a minimum distance away from similar businesses. Like option 2, officers would need to establish what type of vending is acceptable. This is similar to the current approach taken with sandwich boards and outdoor seating.

Option 2 is the preferred approach because it allows the Council to look for opportunities where trading activities can enhance an area but will not allow trading activities to occur in areas where it will cause increased competition for pedestrian space or direct competition with established businesses. Council would have control over determining the location of trading activities but also be responsive to requests from the public. This is similar to the approach taken by other metro sector Councils in New Zealand.

Officers would recommend to the Chief Operating Officer to allow trading activities in certain areas:

- in conjunction with upgrade projects or through management plans for certain areas
- as a pro-active step to encourage more activity in particular public places to improve use and safety
- after considering requests from the public.

The decision making criteria that officers would use when identifying potential locations for trading activities includes:

- does the location work well with the rest of the city?
- is the location highly visible?
- is the location easily accessible?
- does the location have low activity levels and will proposed trading activities increase pedestrian activity levels?
- is there less than desired public safety in the location?

- will proposed trading activities disrupt safe and efficient pedestrian flows?
- will proposed trading activities result in negative impacts with established businesses?
- will proposed trading activities support or enhance the existing function of the location?
- will proposed trading activities negatively impact locations designated as scenic areas or quiet open space?

5.6 Conditions for Trading Activities

Under the approach recommended above, officers would identify areas where trading activities would bring life and atmosphere to locations in the city as well as enhancing the experience of certain areas (e.g. sports fields). Because the Council has not previously allowed these activities, some trading licenses may be issued on a trial basis to ensure the activity fits with the primary function of the specified location.

The following section discusses the recommended option and the conditions that would apply to these activities. As stated previously, the WWL is responsible for making decisions in accordance with this policy for the land it manages on behalf of the Council and the Council and WWL will work together to implement the policy to achieve desired outcomes.

5.6.1 Temporary Retail Stalls/Commercial Stalls

It is recommended that the Council permit temporary retail stalls in specific locations approved by the Chief Operating Officer. The Council would determine the conditions of the license (e.g. license duration and permitted operating hours) depending on function and seasonal use of the area.

It is recommended that the Council trial a system where a limited type of locally produced goods can be sold. This is similar to the selection criteria for approving merchandise at most craft markets. The types of items that would be permitted include:

- handcrafted items (clothing, jewellery, pottery, glasswork, etc)
- art (paintings, photos)
- fresh produce: fruit, vegetables, flowers.

Temporary stalls selling food must comply with basic food hygiene and health and safety regulations as determined by the Council.

5.6.2 Mobile Food Stalls

It is recommended that the Council permit temporary food stalls in specific locations approved by the Chief Operating Officer. The Council would determine the conditions of the license depending on function and seasonal use of the area. Food stalls must comply with basic food hygiene and health and safety regulations as determined by the Council.

Officers have identified sports fields and other recreational areas as locations where there is potential to improve the experience by the public in peak use by allowing food stalls in certain locations. Other possibilities include allocating licenses for coffee carts in inner-city parks.

5.6.3 Hire of Recreation Equipment

It is recommended that the Council permit the hire of recreation equipment in specific locations approved by the Chief Operating Officer. The Council would determine the conditions of the license depending on function and seasonal use of the area. The license holder would be required to have public liability insurance.

Officers have identified coastal areas and other recreational areas as locations where there is potential to improve the experience of the public in peak use by allowing the rental of recreational equipment. For example, the Council could facilitate increased use of moderate mountain bike tracks by the public and tourists by allowing mountain bike hire. In addition, certain recreational beaches could be enhanced through the addition of kayak, surfboard or boat hire.

5.6.4 Hawking

It is recommended that the Council continue with the same approach to hawking as contained in the Street Vending Policy: hawking will be permitted in the suburbs but is not permitted in the CBD. Hawkers that sell food are required to meet the relevant food hygiene and health and safety regulations as determined by the Council.

5.6.5 Permanent Retail Kiosks

It is recommended that the Council look to identify locations for permanent retail kiosks. Because of the cost implications involved with construction, the location and financial implications of permanent retail kiosks should be approved by the Council. The Council would determine the type of trading activities for the kiosk.

5.6.6 Open Air Markets

In 2004, the Economy and Arts Committee received a report considering the feasibility of markets in Wellington and how the Council might be involved in facilitating markets. The report found that there is scope for more high-profile market activity that would add to the vibrancy of the city and provide opportunities for shoppers to purchase quality goods. The report also concluded that the Council could encourage the setup of a craft market or a mixed market through facilitating a venture that meets critical success factors.

Officers from the Council and WWL have been in discussion with members of the public interested in establishing an open air market. Officers will provide a report to this Committee on the progress of these discussions and outline potential options for facilitating a craft market or a mixed market in Wellington in September 2006.

5.7 Financial Implications

Like outdoor café permits or encroachment licenses, trading licensing will have charges to cover administrative costs such as application processing and use of public land. There is potential for a portion of license fees to be re-invested into upgrading areas that have trading (e.g. changing sheds at sports fields or gardens in inner city parks).

As indicated above, permanent retail kiosks will have costs associated with design and construction. It is likely that kiosks will pay for themselves from the rent charged to tenants. In addition, the Council could investigate opportunities for charging for advertisements on the exterior of kiosks similar to ad-shell advertising.

5.8 Consultation and Implementation

If the Committee agrees to consult on the draft Trading in Public Places Policy, it will be available for public consultation from 7 August. Officers will report back to the Committee on submissions and any recommended changes to the draft policy in October 2006. A summary of the consultation plan is attached as appendix 5.

6. Conclusion

The report seeks the Committee's approval to consult on the draft Trading in Public Places Policy. The draft Policy will take the place of the Street Vending Policy. The draft Policy recommends that the Council expand the approach taken in the Glover Park Management Plan to identify when the addition of trading activities can add vibrancy, increase activity levels, improve public safety and/or supports the function of the area.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The policy supports the following Council outcomes:

- *1.4 Safer*
- *1.5 Stronger Sense of Place*
- *2.1 More Liveable*
- *3.2 More Compact*
- *6.6 Safer*

2) LTCCP/Annual Plan reference and long term financial impact

The Policy will be covered from existing budgets.

3) Treaty of Waitangi considerations

No significant Treaty implications.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Consultation will be initiated 7 August and close 22 September.

b) Consultation with Maori

Maori will be consulted as part of the general consultation.

6) Legal Implications

Legal advice has been received for this report.

7) Consistency with existing policy

This report makes recommendations which are consistent with the existing Wellington City Council Road Encroachment Policy, Public Places Bylaw and relevant Council strategies.

TRADING IN PUBLIC PLACES POLICY

1. Definitions

'The Council' means the Wellington City Council or any committee or elected member of the Council or officer authorised to exercise authority of the Council.

'Hawker' is defined as trading from a vehicle and only stopping long enough to sell to a customer.

'Mobile Food Stall' is any stand, stall, tent, mobile shop, vehicle, vessel or mobile travelling shop from which food is sold within the City.

'Open Air Market' is any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of several merchandise stalls grouped together.

'Public Place' includes any road, street, footpath, court, alley, square, pedestrian mall, lane or accessway of a public nature open to or used by the public as of right and every place to which the public have access and every reserve, park, domain, beach, foreshore and recreational ground within the City, subject to the provisions of the Reserves Act 1977.

'Recreation Equipment' is any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, scooters or seg ways.

'Retail Kiosk' is a small, permanent structure used to sell goods such as newspapers, magazines or confectionary items.

'Temporary Retail Stalls' is any stall, tent, stand or other setup from which goods are sold that is open for a temporary nature and removed when not in use.

'Trading' means the act of selling or trading, or offering to sell or trade goods or services, with or without use of a vehicle.

2. Introduction

Trading in public places can add to the character, vibrancy and safety of the city. It is important however to control trading activities in public places to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained. It is also important to consider the viability of established businesses when determining where street vending activities can occur.

3. Objectives

The objectives of the policy guidelines are to ensure that trading activities in Wellington City make public places more safe, lively and attractive without inhibiting the safety and efficiency of pedestrian movement. The Policy establishes:

- where trading in public places is allowed
- what type of trading is allowed
- conditions for
 - o health and safety
 - o pedestrian access
 - o consideration of established businesses.

4. Principles of the Policy

The principles for the Policy are:

- the Council's decisions on permitting trading in public places should be reflective of its strategic vision for the city
- pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible
- Wellington streetscapes and public places should be vibrant, safe and attractive
- Wellington public places should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment
- the Council should permit trading activities in a fair and balanced way that does not negatively impact on safe and efficient pedestrian movement and established businesses
- businesses, groups and individuals that are permitted to use public places for trading activities are responsible for managing those activities in accordance with Council guidelines
- private trading activities that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted
- trading activities should be permitted that add to the city's vibrancy, improve public safety and strengthen the existing function of areas.

5. Scope of activities

The Policy provides guidelines for allowing the following trading activities on streets and public places:

- a) temporary retail stalls
- b) mobile food stalls
- c) recreational equipment hire

- d) hawking i.e. selling goods from a vehicle
- e) retail kiosks
- f) open air markets.

6. Where is trading in public places allowed?

The Council will identify areas where trading activities would bring life and atmosphere to locations in the city as well as enhance the experience of certain areas. Factors that are considered when determining locations for street vending activities include whether:

- the location
 - works well with the rest of the city
 - is highly visible
 - is easily accessible
 - has low activity levels and/or less than desired public safety
- trading activities
 - do not disrupt safe and efficient pedestrian flows
 - do not compete directly with established businesses
 - support or enhance the existing function of the location
 - do not negatively effect locations designated as scenic areas or quiet open space.

The Wellington Waterfront Limited is responsible for approving trading activities along the land designated as the 'Waterfront' (see map in annex 1 for delineation of Wellington Waterfront Limited land).

7. Temporary Retail Stalls

The Council will permit temporary retail stalls in Council approved locations. Anyone wanting to set up a retail stall in an approved location must receive a license from the Council. The Council will tender for the license when a location becomes available.

The Council will charge a fee for the license. Licenses are non-transferable and can be revoked at anytime due to non-compliance. Individuals or groups that do not receive a license for retail stalls are not permitted to operate on public land. Only one license will be issued per approved location. The license must be displayed to the public at all times.

7.1 Type of commercial goods allowed

The type of goods that are allowed at temporary retail stalls include:

- handcrafted items
- art
- produce: fruit, vegetables, flowers.

The Council wants to reinforce the image of Wellington as a creative capital by supporting vendors that sell art, photography and handcrafted items. The goods for a temporary retail stall must be approved by the Council during the

application process. Licenses may be revoked if goods are sold that were not consistent to what was approved by the Council.

7.2 Health and Safety Regulations

Temporary stalls selling fresh produce must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Stalls must comply with food safety and hygiene regulations. Stalls that do not comply with food safety and hygiene regulations will have their certificate of registration and their temporary retail stall license revoked. The stall operator must pay the prescribed Council fee for a certificate of registration.

7.3 Times of operation and duration of license

The times of operation will be established in the license as will the duration of the license. Stall holders that operate outside the times outlined in the license may have their license revoked.

7.4 Stall appearance and storage

The Council must approve the appearance of the stall. A photograph or a detailed sketch of the stall must be included in the application for a temporary retail stall. The stall must maintain high standards of appearance at all times. No changes may be made to the stall without prior approval.

The stall operator must be in attendance at all times.

Stalls are not permitted to be stored overnight and must be removed from the public place when not in use. The Council may revoke the stall license if the license holder does not keep the stall appearance tidy and safe to the satisfaction of the Council.

The trading area should be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed. No rubbish should be stored in public view during operating hours.

The operator must keep noise to reasonable levels to the satisfaction to the Council.

7.5 Application process

The application for a temporary retail stall license must include:

- detailed information of the type of goods to be sold (the Council may request to see the goods)
- the proposed days and hours of operations
- a photograph or detailed sketch of the vending stall
- an application fee
- evidence of public liability insurance.
- information required for food hygiene and safety registration..

The license applicant must pay the balance of the license fee before the license will be issued. Fees will be reviewed annually by the Council.

8. Mobile Food Stalls

The Council will permit temporary mobile food stalls in Council approved locations. Anyone wanting to set up a mobile food stall in an approved location must receive a license from the Council. The Council will tender for the mobile food stall license when a location becomes available. The license must be displayed to the public at all times.

The Council will charge a fee for the license. Licenses are non-transferable and can be revoked at anytime due to non-compliance. Mobile food stalls are not permitted to operate on public land without a license from the Council. Only one license will be issued per approved location.

8.1 Times of operation

The times of operation will be established in the license as will the duration of the license. Stall holders that operate outside the times outlined in the license may have their license revoked. Likewise, licensed stall holders that continually do not operate in the licensed times may have their license revoked.

8.2 Health and safety

Mobile food stalls must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Mobile food stalls must comply with food safety and hygiene regulations. Mobile stalls that do not comply with food safety and hygiene regulations will have their certificate of registration and their mobile food stall license revoked. The mobile food stall operator must pay the prescribed Council fee for a certificate of registration.

8.3 Stall appearance and storage

The Council must approve the appearance of the stall. A photograph or a detailed sketch of the stall must be included in the application for a temporary retail stall. The stall must maintain high standards of appearance at all times. No changes may be made to the stall without prior approval.

The stall operator must be in attendance at all times.

The storage of mobile food stalls will be determined on a case by case basis as outlined in the license.

The trading area should be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed. No rubbish should be stored in public view during operating hours.

The operator must keep noise to reasonable levels to the satisfaction to the Council.

8.4 Application process

The application for a mobile food stall license must include:

- detailed information of the type of food to be sold
- the proposed days and hours of operations
- a photograph or detailed sketch of the vending stall
- an application fee
- evidence of public liability insurance.
- information required for food hygiene and safety registration.

The license applicant must pay the balance of the license fee and have all the required permits before the license will be issued. Fees will be reviewed annually by the Council.

9. Recreation equipment

The Council will permit the hire of recreation equipment in Council approved locations. Recreation equipment cannot be hired-out from public places without permission from the Council. The Council will tender for the license when a location becomes available. The license must be displayed to the public at all times.

The Council will charge a fee for the license. Licenses are non-transferable and can be revoked at anytime due to non-compliance. Only one license will be issued per approved location.

9.1 Times of Operation

The times of operation for recreation hire will be established in the license as will the duration of the license. License holders that operate outside the times outlined in the license may have their license revoked. Likewise, licensed stall holders that continually do not operate in the licensed times may have their license revoked.

9.2 Appearance and storage

The Council must approve the appearance of operation of the equipment hire. A photograph or detailed sketch of the set up must be included in the application. The set up must maintain high standards of appearance at all times. No changes may be made to the operation without prior approval.

The operator of the recreation equipment hire must be in attendance at all times.

The storage of recreation equipment will be determined on a case by case basis as outlined in the license. In general, the Council will not permit recreation equipment to be stored in public places.

The trading area should be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed. No rubbish should be stored in public view during operating hours.

The operator must keep noise to reasonable levels to the satisfaction to the Council.

9.3 Application process

The application for recreation hire license must include:

- detailed information on the type of recreation equipment
- the days and hours you would like to operate
- a photograph or detailed sketch of the set up of the hire operation
- an application fee
- evidence of public liability insurance.

10. Permanent retail kiosks

The Council is responsible for identifying potential kiosk locations, kiosk design and construction. No other entity can construct a kiosk without the Council's authorisation.

The Council will lease the kiosks following a tender process. The successful applicant will receive a lease for one year. Leases will not have automatic right of renewal. Lease conditions will include:

- no goods are permitted to be stored outside the kiosk when not in use
- the operator must maintain the kiosk to high standards of appearance at all times
- no changes may be made to the kiosk without prior approval from the Council
- the operator of the kiosk must be in attendance at the kiosks during operating hours
- the kiosk must operate during the agreed times in the lease
- the operator must not sell goods or use the kiosk for a function that is not specified in the lease
- the operator must give the Council three months notice if they intend to terminate the lease
- the operator will be responsible for disposing of rubbish related to the kiosk and No rubbish should be stored in public view during operating hours
- the operator must keep noise to reasonable levels to the satisfaction to the Council.

Kiosks that have the approval to sell food in their lease must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Kiosk operators selling food must comply with food safety and hygiene regulations. Kiosk operators that do not comply with food safety and hygiene regulations will have their certificate of registration and their lease revoked.

Kiosk operators must pay the prescribed Council fee for a certificate of registration.

If the operator fails to comply with the conditions outlined above or any other condition outlined in the lease, the lease for the kiosk may be terminated.

11. Open Air Markets

The Council will permit the establishment of open air markets on public places on a case-by-case basis. Individuals or groups must receive permission from the Council to operate an open air market in a public place. The Council would look to place conditions on the permit that include:

- identifying the type of goods that can be sold at the market
- ensuring adequate space for pedestrians
- allocating set hours and days for operation
- identifying issues relating to storage.

Any group or individual interested in establishing an open air market on public land should contact the Council.

Stall holders in open air markets, on public or private land, where food is sold needs to obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974.

12. Hawking

The Council permits hawking outside the Central Business District as defined in the District Plan.

Hawkers selling food must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Hawkiers selling food must comply with food safety and hygiene regulations. Hawkiers selling food that do not comply with food safety and hygiene regulations will have their certificate of registration. Hawkiers must pay the prescribed Council fee for a certificate of registration.

Trading from a fixed location is not permitted.

Hawkiers must properly dispose of their rubbish and must not exceed reasonable noise levels.

13. Monitoring and Enforcement

The Council will monitor trading activities in public places regularly to ensure that traders are complying with their license conditions and that no unauthorised trading is occurring in public places.

The Council reserves the right to revoke trading licenses or leases for non-compliance issues. The standard protocol for non-compliance is as follows:

- a. if a trader does not comply with the conditions of this policy, the Council will verbally notify the trader of the issue
- b. if the problem persists, the Council will provide a written warning to that trader identifying the issues
- c. if the business continues to infringe, the Council will consider revoking the trading license or lease.

Individuals or groups that trade on footpaths or other public spaces without a pavement permit will be asked to remove their material and cease with the trading activity. The Council will issue a written warning to the person. If the infringement persists, the Council will reserve the right to confiscate the stall setup or trading material under the part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

The Council may recover expenses incurred through the removal or confiscation trading material as indicated in part 1.15.2 of the Wellington Consolidated Bylaw.

Tourism Kiosk in Melbourne



News Kiosk in Sydney



Consultation and Communications Plan

Consultation objectives – Officers are seeking feedback from residents, businesses, business associations and visitors on their views of the recommended options.

Key Messages –

- Trading activities can enhance vibrancy, safety and support the current purpose of areas in the city.
- The Council will look to expand on its current approach to trading in public places by identifying areas where trading activities would enhance public places.
- The Council will determine the location, type of trading activity and duration hours of the trading.
- Trading activities will not be allowed in areas where there is already significant pedestrian movement and/or competition for space

Target Audience and Communications Tools –

Audience	Communication Tools
Residents	Information will be provided on Council's website and in the APW. Information will also be available at Council libraries, at community centres and at Council offices. Officers will also put out media releases and public notices.
Residents associations	Information will be sent to Residents' Associations.
Business associations, community groups and government agencies: <ul style="list-style-type: none"> • Retail Association • Hospitality Association of New Zealand • Wellington Regional Chamber of Commerce • Disability Reference Group and other disability groups • Wellington Police • Living Streets Aotearoa • elderly groups. 	Information will be sent to business associations and community groups.

Community Boards	Information will be sent to the Community Boards
Maori	Information will be sent to Tenth Trust and Ngati Toa.

Action Plan –

Date	Action
27 July	Strategy and Policy Committee consider the draft Trading in Public Places Policy
7 August	Commence consultation
Aug-Sept	Meet with key stakeholders
22 September	Submissions close
28 September	Oral Submissions to SPC
August-Oct	Analysis of submissions
19 October	Report back to Committee with final Trading in Public Places Policy
25 October	Final consideration by Council
November	Feedback provided to the submitters in the decision making