

# TRADING IN PUBLIC PLACES POLICY

## 1. Definitions

The Council	The Wellington City Council or any committee or elected member of the Council or officer authorised to exercise authority of the Council.
Hawker	Trading from a vehicle and only stopping long enough to sell to a customer.
Open Air Market	Any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of several merchandise stalls grouped together.
Public Place	Any road, street, footpath, court, alley, square, pedestrian mall, lane or access-way 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	Any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, or scooters.
Retail Kiosk	A small, permanent structure used to sell goods such as newspapers, magazines or confectionary items.
Temporary Retail and Food Stalls	Any stand, stall, tent, mobile shop, vehicle, vessel or other setup from which goods and / or food are sold that is open in a temporary nature and removed when not in use.
Trading	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, visitor experience 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 potential impacts on established businesses when determining where street vending activities can occur.

### **3. Objectives**

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

- the granting of licences for trading in public places
- the types of trading that are allowed
- conditions for
  - health and safety
  - pedestrian access
  - consideration of established businesses.

### **4. Principles of the Policy**

The following principles shall apply when considering trading activities in public places:

- The Council's decision to license and encourage trading in public places is 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.
- Businesses, groups and individuals that are licensed 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 add to the city's vibrancy, improve public safety and strengthen the existing function of areas.
- The effects on existing businesses will be taken into account.
- Fees shall be set on a cost-recovery basis. Licence holders should not be unfairly advantaged over established businesses that have rent or rates overheads.

### **5. Scope of activities**

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

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

## **6. Where is trading in public places allowed?**

The Council will grant licences against certain guidelines for trading in public places as an activity that will bring life and atmosphere to locations in the city as well as enhance the experience of certain areas. Factors that could be 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
  - 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'. Wellington City Council will require Wellington Waterfront Limited to provide an open air market on the waterfront.

## **7. Temporary Retail and Food Stalls, Retail Kiosks and Recreational Equipment Hire**

The Council reserves the right to grant licences for temporary retail and food stalls, recreational equipment hire and retail kiosks in public locations throughout the city.

The Council will charge a fee for the licence. Licences are non-transferable and can be revoked at anytime due to non-compliance. The licence must be displayed to the public at all times.

The Council is responsible for identifying and agreeing any potential kiosk locations and designs and the terms of individual leases.

### ***7.1 Type of commercial goods allowed***

The type of goods that are allowed at temporary retail and food stalls, and kiosks, include handcrafted items, art, prepared food for consumption by the public, and produce such as fruit, vegetables, and 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. Licences may be revoked if goods are sold that are not consistent with what was approved by the Council.

Recreational equipment hire may also be licensed in public places, contingent on the above guidelines being adhered to.

### ***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. The stall operator must pay the prescribed Council fee for a certificate of registration. Stalls must comply with relevant food safety and hygiene regulations. Stall operators that do not comply with food safety and hygiene regulations will have their certificate of registration and their temporary retail stall license revoked.

### ***7.3 Times of operation and licence duration***

The times of operation will be stated in the licence as will the duration of the licence. Stall holders that operate outside the times outlined in the licence may have their licence 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 generally not permitted to be stored on site overnight and must be removed from the public place when not in use. The Council may revoke the stall licence if the licence 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 of. No rubbish should be stored in public view during operating hours. No goods are permitted to be stored outside a kiosk when not in use.

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 licence 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
- the application fee
- evidence of public liability insurance
- information required for food hygiene and safety registration

## **8. 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. Food-selling hawkiers that do not comply with food safety and hygiene regulations will have their certificate of registration revoked. 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. The operator must keep noise to reasonable levels to the satisfaction to the Council.

## **9. Open Air Markets**

The Council may license the establishment of open air markets on public places on a case-by-case basis, taking into account the nature of the public place and the potential effect on existing businesses. Individuals or groups must receive licensed permission from the Council to operate an open air market in a public place. Licence conditions may 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, need to obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974.

## **10. Fees, Monitoring and Enforcement**

Fees will be set in alignment with the Council's revenue and financing policy which requires that the costs of this policy will be fully recovered from licence fees. Licence fees are expected to include the costs of:

- licensing
- monitoring and enforcement
- administration.

The Council reserves the right to charge a rent for occupancy of public spaces in addition to the licence fee. Such a rent would be assessed by the value of the location and to ensure that businesses on private property are not unfairly disadvantaged.

The licence applicant must pay the full licence fee and have all the required permits before the licence will be issued.

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

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

1. if a trader does not comply with the conditions of this policy, the Council will verbally notify the trader of the issue
2. if the problem persists, the Council will provide a written warning to that trader identifying the issue(s) and required remedy
3. if the business continues to infringe, the Council will consider revoking the trading licence or lease.

Individuals or groups that trade on footpaths or other public spaces without a pavement licence 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 pursuant to sections 163 and 164 of the Local

Government Act, 2002, and under 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 dispose of confiscated property pursuant to section 168 of the Local Government Act, 2002.