

*Draft*

**Auckland City Council street trading policy:**

**The giving away of goods, to advertise any product, service or entertainment or the soliciting or collection of any subscription or donation in a public place**

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## 1.0 Background

Auckland City Council's Public Places Bylaw came into effect on 28 July 2008. The bylaw states that anyone wishing to trade in public places requires a street trading licence. The bylaw defines street trading as the commercial use of any public place under the management of council, including parks and reserves.

Street trading applies to permanent, temporary and mobile traders and includes the following activities that take place in or on a public place:

- *the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a licensed premises;*
- *the sale, display or dispensing of goods, including food and drink*
- *the provision of commercial services on a public place*
- *craft markets, street markets and street stalls selling, displaying or dispensing goods;*
- *the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment;*
- *the soliciting or collection of any subscription or donation*

Auckland City Council has developed a series of three street trading policies based on the six activities outlined above. The policies aim to support the enforcement of the Public Places Bylaw (2008), as well as improve transparency around decision-making relating to street trading.

The policies are:

- *Street trading policy: the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a licensed premises*
- *Street trading policy: the giving away of goods to advertise any product, service or entertainment and the soliciting or collection of any subscription or donation on a public place*
- *Street trading policy: the sale, display or dispensing of goods, the provision of commercial services, including craft or street markets and stalls on a public place*

## 2.0 Activities covered by this policy

The activities that this street trading policy specifically deals with as defined by the Public Places Bylaw (2008) are:

- *The giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment*
- *The soliciting or collection of any subscription or donation*

Note1: For simplicity, the above activities are referred to throughout this document as '*the giving away goods in public places*'.

Note 2: Guidance is provided in the separate policies for the related street trading policies: *the sale, display or dispensing of goods, the provision of commercial services, including craft or street markets and stalls on a public place and the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a licensed premises* as listed above. The full explanation of these street trading activities is found in the Public Places Bylaw (2008).

### 3.0 Purpose

This non-statutory document supports the enforcement of the Public Places Bylaw (2008). The policy aims to improve transparency around decision making by providing simple and easy to understand guidance for commercial operators, groups and organisations for *the giving away goods in public places* and managed by Auckland City Council in locations such as parks, reserves, wharves and streets.

In addition, the policy provides criteria against which the council will consider applications for street trading licences and against which the activity will be monitored.

The policy aims to enable the giving away of goods and promotional activities to occur in public places. The activity should enable pedestrian flow, street amenity, urban character, heritage, health and safety, and management of the street environment to be maintained.

#### **For the purpose of this policy the following relevant terms are explained**

Street appeals and charity fundraisers	Coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public. Street appeals will usually involve more than one collection person and location operating at the same time
Promotional material	Products and services that educate or inform including advertising material and product samples

## 4.0 Context

The council acknowledges the potential benefits street trading offers in providing interest and distinctiveness to public places, improving pedestrian safety through passive surveillance, assisting with increasing community awareness thereby strengthening the economic success of the central area, town centres and neighbourhoods.

This street trading policy supports the goals of council's open space framework '*Our Collective Taonga: Places for people, places for nature*' by seeking to enliven the interconnected system of streets, trees and parks as places where communities come together to celebrate Auckland's unique identity and cultural heritage, while fostering a sense of belonging to the city.

In addition the policy supports the council's urban design framework and objectives, in promoting a "*a vibrant retail offering and dining experience that reflects the diversity of people in the city centre, and its status as the heart of Auckland*" and creating "*places and spaces that create synergies, generate vibrancy, and support the exchange of ideas.*"<sup>1</sup>

At a strategic level, the policy is aligned with council's future vision for Auckland as 'First City of the Pacific' and the seven strategies that provide direction for achieving the vision. These are:

- Transport choices
- Quality natural environment
- Lifestyle choices
- Quality urban environments
- Strong communities
- Economic opportunities
- Efficient, capable and user friendly council

Best practice examples from cities within the Auckland region, as well as nationally and internationally have been drawn on in the development of this policy.

Auckland City Council will review this street trading policy and its application as appropriate. This is to ensure the policy remains current in relation to other relevant strategies and policies and to ensure the policy is effective in meeting its objectives and goals.

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<sup>1</sup> City Centre Urban Design Framework

## 5.0 Key outcomes

The key outcomes sought by the street trading policy: *the giving away of goods in public places* are:

- providing clear and consistent guidance for organisations and commercial operators
- maintaining a quality environment and urban character within public places
- ensuring pedestrian and legitimate street users access is not compromised
- providing an environment conducive to creating a vibrant city
- providing opportunities for organisations and groups to conduct street appeals, charity fundraisers and promotional activities in a managed way to minimise conflict with other activities on public spaces
- providing opportunities for products and services to be promoted through the giving away of goods in public places
- ensuring street trading activities result in minimum disruption to other street activities
- ensuring the potential effects of street trading activities including amenity and health and safety of the public are addressed through the licensing process
- improving transparency of council decision-making

## **6.0 Relationship to other plans, policies and controls**

Whilst there are a number of other documents related to this policy, they are outside of the scope of this policy and should be considered separately. They are as follows:

### **Auckland City Council – District Plan – Central Area, Isthmus and Hauraki Gulf Islands**

This policy should be read in conjunction with Auckland City Council's District Plans to determine the permissibility of the activity proposed and is subject to the requirements for any resource consent. Details of the requirements are not included in this policy – refer to the District Plans.

### **Noise**

Street trading activities should not generate noise levels that would be termed unreasonable. The statutory requirements relating to noise control apply and are set out in S16 and S326 of the Resource Management Act.

### **Signs bylaw**

Street banners, or other activities not physically located on the street, along with management of signs associated with street trading activities, should refer to the signs bylaw.

### **Street performance policy and events policy**

Street performance and events are subject to separate provisions and guided by the street performance and events policies.

## 7.0 Key components of the policy

This policy consists of the following components:

- Location
- Amenity of public place
- Management of street trading activities
- Health and safety
- Street trading licences
- Non-compliance

### 7.1 Location

7.1.1 Provision of activities covered by this policy will be provided for and enabled in locations where the activity enhances opportunities for social interaction and the vibrancy of the area.

7.1.2 In general, the street trading activities covered by this policy will be:

- provided for in retail focused business areas
- provided for in pedestrian orientated areas
- restricted in selected parks and reserves
- restricted in residential areas

7.1.3 Areas and locations suitable for street trading activities covered by this policy are generally approved by the council through a licence application.

7.1.4 Street trading is generally permitted where it:

- enables recreational activities to occur without disruption
- provides a minimum 1m setback from the kerb to provide and maintain access to parked vehicles
- maintains pedestrian movement of at least 1.8m at all times
- avoids locating adjacent to intersections, bus stops, taxi stands, loading bays, public seating, rubbish bins, phone boxes

- maintains unobstructed pedestrian and vehicle access to adjacent premises and sites at all times for pedestrians or vehicles accessing sites
- maintains trade and emergency access for infrastructure and utilities service and maintenance e.g. rubbish collection and postal delivery

## **7.2 Amenity of public place**

7.2.1 Street trading activities covered by this policy should enrich the quality of the pedestrian experience and complement other street activities providing the activity:

- is easily relocatable and elevated from the ground
- maintains a high standard of presentation through being clean, and in good condition
- enhances the quality and access to the public space
- provides a level of activity that avoids inconvenience and nuisance to the public or adjacent businesses

Note: Any structures required for this street trading activity must comply with the requirements of the District Plan and any advertising must meet the requirements of the Signs Bylaw.

## **7.3 Management of street trading activities**

7.3.1 The street trading activities covered by this policy should maintain a quality environment that does not detract from the amenity of, or privatise the public space. This will require:

- maintaining a clean and tidy rubbish free environment for the duration of the activity. Rubbish resulting from the street trading activity should not be disposed of in council rubbish bins
- all structures or items are to be removed from the public place by the end of the day, unless other arrangements are specifically approved
- any promotional material distributed should display a message regarding appropriate disposal (i.e. do not litter)
- any damage in or on the public place or caused by the activity should be repaired at the licence holder's own expense and be completed to a level that satisfies council

- the number of collectors or participants is to be limited appropriate to the location and conditions of the site (to be negotiated at the time of licensing)

## **7.4 Health and Safety**

- 7.4.1 Areas used for street trading covered by this policy need to provide a safe and secure environment for operators, patrons and pedestrians and should not result in pedestrian movement being compromised or access restricted.
- 7.4.2 Items used by street trading operators should meet minimum safety standards and relevant regulation requirements. Where appropriate, standards including NZS 4121:2001 the Code of practice for design for access and mobility: buildings and associated facilities are applicable.
- 7.4.3 Where relevant, street trading licensees may need to demonstrate that measures are being undertaken to ensure the trading area provides a safe environment and meets Occupational Health and Safety requirements.

## **7.5 Street Trading Licence**

- 7.5.1 The council reserves the right to approve applications to license street trading activities covered by this policy throughout the city.
- 7.5.2 The licensing of street trading for street trading activities covered by this policy will be applied in a way that:
- enables council to exercise an appropriate level of control over the use of public space
  - provides a fair and level playing field for licensees
  - sets simple and easy to understand criteria for licence approval
  - recovers costs associated with processing applications, issuing and monitoring licences
- 7.5.3 In exchange, the licence holder will be expected to:
- have the licence available for inspection on request
  - prove when requested that the licensee holds the appropriate public liability insurance and that the council is indemnified against any action
  - abide by the terms and conditions of the licence
- 7.5.4 Public places are the subject of planned and unplanned works. As a result of these works, licensed street trading activities may be temporarily suspended, restricted or relocated where utility works need to be undertaken or where events permitted by council are confirmed.

- 7.5.5 To ensure a consistent process is observed, licence applications must use the prescribed form and be accompanied by the requested information.
- 7.5.6 The duration of licences for activities is only valid for the period stated and covered by the licence. The duration of a licence can vary and may be approved for an hour, a day, or an appeal week.
- 7.5.7 Any change in circumstances identified by council or advised to council by the licensee can trigger a review of licence conditions or revocation of licence under clause 1.7 Part 1 of the Auckland Consolidated Bylaw.
- 7.5.8 Where licences for street trading activities covered by this policy are sought by community groups or not for profit organisations, a fee waiver may be considered. This is subject to compliance with the following conditions:
- evidence of organisations legal structure and non profit status (Registered charitable trust) is to be provided
  - the number of person(s) on site related to the street trading activity should be limited as agreed to in the licence
  - provision of contact details in the event of complaints
- 7.5.9 Standard conditions applicable for street trading activities relevant to *the giving away of goods in public places* are contained in appendix 1. However, council reserves the right to apply further conditions where appropriate.

## **Appendix 1: Licence terms and conditions for inclusion in licence application form**

1. The duration of this licence is valid for the specified dates and times.
2. That the location of the activity and number of persons involved is specified on the licence.
3. That the areas the collectors, organisers or groups occupy or operate at, must be left in a clean and tidy state.
4. That the Licensee is responsible for the disposal of their own rubbish and should not use the public litter bins for disposal of rubbish associated with the street trading activity.
5. That the license holder must abide by the directions from Police or any authorised Auckland City Council officer.
6. Collectors, organisers or groups must be clearly identifiable as representing the appropriate charity appeal, organisation or group and wear appropriate identification badges, stickers, vests or attire.
7. Any boxes, bags or collection devices for charity appeals or fundraising organisations must be clearly identifiable pertaining to the appeal or organisation.
8. The collector, organiser or group shall not sell or offer for sale any commodity or service not specified for in the licence application.
9. Collectors, organisations or groups shall not operate too close to intersections or impede pedestrian traffic on the footpath.
10. Collectors, organisations or groups must keep to the footpaths.
11. Pedestrians must not be harassed.
12. No amplification is to be used.
13. Collectors, organisations or groups must comply with any reasonable request from nearby businesses.
14. That Auckland City Council reserves the right to amend or revoke this licence if deemed necessary or, if any problems are unable to be resolved or, if any conditions are not met or complied with.