

**Notice of Meeting:**

I hereby give notice that an ordinary meeting of the Consultation Hearings will be held on:

**Date:** Thursday 26 June 2025  
**Time:** 10.00 am - Trading in Public Places Bylaw  
**Venue:** Council Chambers, Dunedin Public Art Gallery, The Octagon,  
Dunedin

Sandy Graham  
Chief Executive Officer

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**Hearings Committee - Bylaws and Policies**  
**PUBLIC AGENDA**

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**MEMBERSHIP**

<b>Chairperson</b>	Cr Jim O'Malley
<b>Deputy Chairperson</b>	
<b>Members</b>	Cr Lee Vandervis Cr Andrew Whiley

<b>Senior Officer</b>	Cazna Savell (Compliance Solutions Manager – Acting)
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<b>Governance Support Officer</b>	Jennifer Lapham
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Jennifer Lapham  
Governance Support Officer

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**Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.



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**1 OPENING****2 APOLOGIES**

At the close of the agenda no apologies had been received.

**3 CONFIRMATION OF AGENDA**

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

## DECLARATION OF INTEREST

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### EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

### RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

### Attachments

	Title	Page
<a href="#">↓A</a>	Register of Interest	6

Interest Register 18 June 2025				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Jim O'Malley	Owner	Biocentrix Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Northern AFC	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Lee Vandervis	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Vandervision Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Chair	Volunteer South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand PGA (Professional Golf Association)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Dunedin Community House Executive Committee	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Shanghai Association (Sister City Society) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Masters Games Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin Incorporated (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Puketai Residential Centre Liaison Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Dunedin Christmas Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

## PART A REPORTS

### TRADING IN PUBLIC PLACES BYLAW REVIEW - RESULTS OF CONSULTATION

Department: Customer and Regulatory

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#### EXECUTIVE SUMMARY

- 1 In May 2024, the Customer and Regulatory Committee approved commencement of the review of the Trading in Public Places Bylaw (the Bylaw). Following early engagement, on 11 March 2025 the Customer and Regulatory Committee approved a draft Bylaw and statement of proposal for consultation purposes.
- 2 This report to the Hearings Committee (the Committee) summarises the 12 submissions received during the consultation period. There was one late submission.
- 3 The proposed draft Bylaw was well supported with 75 percent of submitters agreeing with it. See Attachment A for the proposed draft Bylaw with tracked changes.
- 4 None of the submitters wishes to be heard.

#### RECOMMENDATIONS

That the Committee:

- a) **Decides** whether to accept the one late submission
- b) **Considers** the submissions on the review of the Trading in Public Places Bylaw
- c) **Makes** recommendations to the Council on the review of the Trading in Public Places Bylaw.

#### BACKGROUND

##### Local Government Act 2002

- 5 Under the Local Government Act 2002 (the Act), bylaws can be made for one or more of the following general purposes: protecting the public from nuisance; promoting and maintaining public health and safety; and minimising the potential for offensive behaviour in public places (section 145).
- 6 The Act also allows bylaws to be made specifically to regulate trading in public places (section 146(1)(a)(vi)).



- 7 The Act requires that a new bylaw is initially reviewed within five years of being made and this bylaw is now due for review. After the first review the review periods are within ten years.

### **Dunedin Trading in Public Places Bylaw**

- 8 The Bylaw was made on 27 October 2020 and came into effect on 1 January 2021. It replaced the Mobile Trading and Temporary Stall Bylaw which had been in place for more than 30 years but only regulated mobile trading and temporary stalls. As substantial changes were proposed, the Mobile Trading and Temporary Stall Bylaw was revoked, and a new bylaw was made.
- 9 From 2021, the Bylaw required permits for a wider range of public trading activities than in the previous Mobile Trading and Temporary Stall Bylaw, including rental scheme operators (e.g. e-scooter companies), street fundraising, street performing, touting, and commercial use of footpaths. The Bylaw provides for a permit regime and requires that operators comply with the conditions of their permit and other requirements including maintaining safe pedestrian access in public places. Under the Bylaw, the Council may charge fees for applications and permits.
- 10 Although the purpose of the Bylaw is to “protect health and safety, protect the public from nuisance and regulate trading in public places” it is also important to acknowledge the benefits that public trading activities can provide to the city, including vibrancy, liveliness and attractive lifestyle options.
- 11 Conditions for each trading activity have been developed over time and are reviewed at various intervals as appropriate and with the relevant level of engagement. Conditions for each trading activity can be found on the Dunedin City Council (DCC) website with the Trading in Public Places Bylaw.

## **DISCUSSION**

### **Community engagement**

#### *Early engagement*

- 12 Early engagement was carried out during November/December 2024 to inform any proposed changes to the Bylaw. Information and an online survey were advertised via the Otago Daily Times noticeboard, and through the DCC and Ara Toi social media. Targeted emails were sent to key stakeholders for each of the trading activities. Emails were also sent to the disability community and Community Boards. There were eight responses from both traders and the public. Results of early engagement were reported to the Customer and Regulatory Committee on 11 March 2025.

#### *Special consultative procedure*

- 13 Consultation on proposed changes was then carried out from Monday 5 May until Friday 6 June 2025, using the special consultative procedure.
- 14 Engagement methods included advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, via the Dunedin People’s Panel, and the DCC monthly household mailout, FYI. Key stakeholders were advised and invited to comment.

## Results of consultation

15 There were 12 submissions on this bylaw review. Key findings from the consultation are as follows:

*Overall, do you agree with the proposed Trading in Public Places Bylaw?*

Overall, do you agree with the proposed Bylaw?	Number	%
Yes	9	75%
No	2	17%
Did not answer	1	8%
<b>TOTAL</b>	<b>12</b>	<b>100%</b>

*Why/Why not?*

One submitter who agreed with the proposed Bylaw commented on maintaining acceptable standards. Two submitters commented on the proposed change from 'pedestrian' to 'footpath' access. One commented on a lack of clarity about what public trading means and where this can occur.

*Which of the following options do you support?*

Which option do you support?	Number	%
Option 1: Keep the current bylaw controls with the detailed amendments (proposed)	9	75%
Option 2: Add or remove a trading activity from the bylaw	0	0
Option 3: Other	2	17%
Did not answer	1	8%
<b>TOTAL</b>	<b>12</b>	<b>100%</b>

*If Option 2 or 3, please specify:*

Submitters commented again on the proposed change from 'pedestrian' to 'footpath' access and a lack of clarity about public trading.

*Do you have any other comments to make about the proposed Trading in Public Places Bylaw?*

Submitters commented on topics such as proposals being logical and practical, begging and alcohol.

## Social media feedback

16 Information about the review was posted on the DCC Facebook and Instagram pages on 16 May 2025. Posts provided links to further information that included the submission form. There were

4,424 views and 48 engaged with the content (i.e. like, shared, reacted or commented). Five users clicked on the link to find out more about the consultation. Topics were religious groups and over regulation.

### **Staff comment**

#### *Pedestrian versus footpath access*

- 17 The proposal to change ‘pedestrian’ access to ‘footpath’ access aimed to make it clearer that the footpath is not restricted to people walking, but that the footpath is used by many different users, for example people in wheelchairs, people with prams, and people on various types of scooters. Whether the reference is to pedestrian or footpath makes no difference to what is legally allowed on the footpath.
- 18 The Land Transport Act 1998 (LTA) and subsidiary legislation provides where vehicles can be used, and these laws allow e-scooters to be ridden on the footpath. The LTA requires careful and considerate use of e-scooters, and that speed is not a hazard to other footpath users. Enforcement powers sit with the Police. The DCC is not able to restrict or ban e-scooters on footpaths.

#### *Date of effect*

- 19 A lead in time of several weeks is recommended for the date of effect to allow time for communications on any rule changes.

### **OPTIONS**

- 20 There are no options with this report as its purpose is to present a summary of submissions.

### **NEXT STEPS**

- 21 Next steps are for the Committee to consider consultation results and make recommendations to the Council regarding the Bylaw review.

### **Signatories**

Author:	Anne Gray - Policy Analyst Tanya Morrison - Team Leader Environmental Health and Alcohol Licensing
Authoriser:	Cazna Savell - Compliance Solutions Manager (Acting) Paul Henderson - General Manager Customer and Regulatory (Acting)

### **Attachments**

	<b>Title</b>	<b>Page</b>
<a href="#">A</a>	Proposed Trading in Public Places Bylaw (with tracked changes)	14

## SUMMARY OF CONSIDERATIONS

### ***Fit with purpose of Local Government***

This decision enables democratic local decision making and action by, and on behalf of communities and promotes the social, economic and cultural well-being of communities in the present and for the future.

### ***Fit with strategic framework***

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This Bylaw contributes to most of the strategic framework as the Bylaw purpose is to “provide reasonable controls to protect health and safety, to protect the public from nuisance and to regulate trading in public places”. In doing so it is important to acknowledge the benefits of trading in public places including vibrancy, liveliness and attractive lifestyle options for the city.

### ***Māori Impact Statement***

No impacts were identified during public consultation. Mana whenua were not specifically engaged with in this bylaw review and there are no known impacts.

### ***Sustainability***

There are no known impacts for sustainability.

### ***Zero carbon***

Emissions considerations are not applicable to this report.

### ***LTP/Annual Plan / Financial Strategy /Infrastructure Strategy***

There are no implications for these documents.

### ***Financial considerations***

There are no financial implications as management of the Bylaw is carried out within existing budgets.

### ***Significance***

The bylaw review is considered low in terms of the Council’s Significance and Engagement Policy.

## **SUMMARY OF CONSIDERATIONS**

### ***Engagement – external***

Early engagement was carried out during November/December 2024 to inform any proposed changes to the Bylaw. Information and an online survey were advertised via the Otago Daily Times noticeboard, and through the DCC and Ara Toi social media. Targeted emails were sent to key stakeholder for each of the trading activities and to the disability community and Community Boards.

Consultation on proposed changes was then carried out from Monday 5 May until Friday 6 June 2025, using the special consultative procedure. Engagement methods included advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, via the Dunedin People's Panel, and the DCC monthly household mailout, FYI. Key stakeholders were advised and invited to comment.

### ***Engagement - internal***

There has been internal engagement with Transport, Urban Design, Creative Partnerships, Compliance Solutions, Enterprise Dunedin, Communications and Marketing, Governance and the web team. In-House Legal Counsel has assisted with liaison for an external legal review.

### ***Risks: Legal / Health and Safety etc.***


There are no identified risks. The draft Bylaw has been reviewed by external legal counsel.

### ***Conflict of Interest***

There is no identified conflict of interest.

### ***Community Boards***

There are no specific implications for Community Boards.

TRADING IN PUBLIC PLACES BYLAW 2025 <del>9</del>			
 <b>DUNEDIN</b>   kaunihera CITY COUNCIL   a-rohe o ōtepoti			
Trading in Public Places Bylaw 2025 <del>9</del>			
Approved by:	Council		
Date approved:	Council		
Date of effect:	1 January 2021	Reviewed:	2025
Next review date:	Five years after date of effect	DOC ID:	

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This bylaw is made by the Dunedin City Council under sections 145 and 146 of the Local Government Act 2002.

*Explanatory note: This bylaw should be read in conjunction with the conditions/code of practice for the following trading activities:*

- Mobile shop trading
- Commercial use of footpaths
- Street performing
- Street fundraising
- Rental scheme operations
- Touting.

Conditions which are made under clause 12 of this bylaw can be found on the Dunedin City Council website with the Trading in Public Places Bylaw.

## 1 SHORT TITLE

This bylaw is the Dunedin City Council Trading in Public Places Bylaw 2025~~9~~.

## 2 APPLICATION

~~2.1 This bylaw applies to Dunedin City.~~

~~2.2.1~~ This bylaw does not apply to any act that:

~~2.2.1.1~~ Is undertaken by a member of the emergency services while carrying out a statutory duty; or

~~2.2.1.2~~ Is undertaken in accordance with a valid contract for services with the Council.

## 3 PURPOSE

3.1 ~~This purposes of this bylaw is to provides reasonable controls to~~ protect public health and safety, ~~to~~ protect the public from nuisance, and ~~to~~ regulate trading in public places by providing for a permit regime and the ability to impose reasonable controls on trading activities.

#### 4 EXPLANATORY NOTES

- 4.1 Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

*Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

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#### 5 DEFINITIONS

- 5.1 In this bylaw, unless the context otherwise requires:

<b>Act</b>	Means the Local Government Act 2002
<b>Authorised Officer</b>	Means an officer or other person appointed by the Council to perform duties or give permissions under this bylaw.
<b>Busking</b>	To play music or perform entertainment in a public place, usually while soliciting money or money's worth.
<b>Conditions</b>	<i>Means the conditions for any trading activity under clause 6 of this bylaw, and includes any codes of practice or other documents setting out conditions that apply to any trading activity.</i>
<b>Council</b>	Means the Dunedin City Council and includes any person authorised by the Council to act on its behalf.
<b>Footpath</b>	Means the part of the road built mainly for pedestrians and includes the edging, kerb and channelling, grass berm and a footbridge.
<b><del>Pedestrian-Footpath</del> access</b>	Means a minimum width of unobstructed access for <del>pedestrians-footpath users</del> must be maintained as follows: 3m in the central business district zone of the 2GP and 1.5m in all other areas.
<b>Footpath art</b>	Means temporary images or drawings created either directly on to the pavement or on removable surfaces such as, but not limited to, paper or plastic, laid out on the pavement but does not include any advertising in any form on the footpath.
<b>Hawker</b>	Means any person who attempts to sell goods or services to any person in a public place without: <ol style="list-style-type: none"> <li>Invitation; or</li> <li>Request for such service; or</li> <li>Prior orders</li> </ol>
<b>Mobile shop</b>	Means a vehicle from which a trading <del>operation-activity</del> is conducted. It does not include a service delivery vehicle carrying goods which have been ordered.

<b>Mobile trading</b>	Includes any trade from a mobile shop; and trading from a stall.
<b>Operator</b>	Means the permit holder and a person in control of the trading <del>operation</del> activity.
<b>Peddler</b>	Means a travelling seller of items.
<b>Permit</b>	Includes any written <del>or oral</del> permission given by the Dunedin City Council under this bylaw.
<b>Person</b>	Includes a corporation sole, a body corporate and unincorporated body.
<b>Public place</b>	Means an area that is of a public nature, is open to or used by the public, and which is owned, managed, maintained, or controlled by the Council. It includes any road, street, footpath, court, alley, lane, park, recreation ground, sports field, reserve, beach, pedestrian mall, cycle track, accessway, squares and carparks.  <i>Explanatory note: Reserves and beaches are also governed by the Reserves Act and the Reserves and Beaches Bylaw.</i>
<b>Reserve</b>	Has the meaning given by the Reserves Act 1977.
<b>Stall</b>	Means any stand, structure or device, awning, table or display board, whether portable or not, established for the purposes of selling any goods, <del>or service</del> .
<b>Street fundraising</b>	Means any coordinated and organised event by organisations who ask for, or seek, any subscription, collection or donation from members of the public. It includes street appeals and the sale of any item where an undertaking has been given that all or some of the proceeds will be given to charity.
<b>Street performing</b>	Means the provision of entertainment on or in a public place, and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form.
<b>Touting</b>	Means to solicit business, usually in a direct or persistent way, and to attempt to persuade someone to give something, such as money, for a specific purpose.
<b>Trade <del>and trading</del></b>	Means to carry out a trading activity.
<b>Trading activity</b>	Means an activity, whether one-off or a series of activities whether temporary or permanent, undertaken by any person involving the sale of goods in a public place or the offering <del>or performing</del> of a <del>commercial</del> service for payment, reward or otherwise <del>in a public place</del> , including but not limited to: <ul style="list-style-type: none"> <li>• <del>Stalls</del></li> <li>• Mobile shops <del>trading, including mobile shops and stalls</del></li> <li>• <del>Commercial use of footpaths, including</del> outdoor drinking and dining</li> </ul>

Trading in Public Places Bylaw

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	<ul style="list-style-type: none"> <li>• Distribution of promotional goods and materials</li> <li>• Outdoor display of goods</li> <li>• Rental scheme operations</li> <li>• Street performing</li> <li>• Touting</li> <li>• Hawking</li> <li>• Peddling</li> <li>• Signage including stencils</li> <li>• <del>Street fundraising</del> <u>including fundraising</u> for a charitable cause, <u>and</u></li> <li>• <del>Soliciting</del> of any subscription or collection of any one-off or ongoing donation.</li> </ul>
<b>Trading</b>	<del>Has a corresponding meaning to trading activity.</del>
<b>2GP</b>	Dunedin City District Plan

5.2 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act, unless the context requires a different meaning.

#### ~~6~~ EXPLANATORY NOTES

~~6.1 Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.~~

~~6.2 Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.~~

#### ~~7.6~~ TRADING ACTIVITIES IN PUBLIC PLACES

~~7.4.6.1~~ A person must not undertake a trading activity in a public place without written permission obtained from Council under this bylaw.

~~7.4.6.2~~ A permit issued under this clause ~~is~~ can be subject to any terms and conditions that the Council thinks ~~fit~~ reasonable in relation to the proposed trading activity.

~~7.4.6.3~~ Permit holders must comply with the conditions of the permit ~~and including~~ any applicable code of practice made under clause 12 of this bylaw.

~~7.4.6.4~~ Terms and conditions specified in a permit may include without limitation, such matters as:

~~7.4.16.4.1~~ The name of the permit holder

~~7.4.26.4.2~~ The duration of the permit

~~7.4.36.4.3~~ The location to which the permit applies

~~7.4.46.4.4~~ The type of trading activity allowed by the permit

~~7.4.56.4.5~~ The hours of trade allowed by the permit.

#### **~~8.7~~ APPLICATION FOR PERMISSION**

~~8.4.7.1~~ An application for a permit must be made in writing and on the appropriate form provided by the Council (if any).

~~8.2.7.2~~ Every applicant must provide all the information requested.

~~8.2.7.3~~ A permit must be obtained in respect of each trading activity to be carried out by the applicant.

*Explanatory note: A person carrying out multiple trading activities must obtain an individual permit for each trading activity.*

~~8.4.7.4~~ The Council may set application and other fees for ~~permissions~~ any permit under this bylaw.

#### **~~8~~ EXEMPTIONS**

~~8.1~~ Traders must comply with the relevant requirement of this bylaw unless a written exemption from is obtained from Council.

#### **~~9~~ PERMIT MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED**

9.1 The Council may, at its discretion, on giving notice of not less than 24 hours to the permit holder, review, withdraw or alter any permission given under clause 6 of this bylaw.

9.2 The Council may, at its discretion, immediately and without notice, alter, suspend, or cancel any permit given under clause 6 of this bylaw if:

9.2.1 Permit conditions are being breached; or

9.2.2 Urgent works are required in the public place where the permit applies; or

9.2.3 Urgent action is required to protect the public in the public place where the permit applies.

9.3 Where a permit has been suspended or cancelled the permit holder must immediately remove any vehicle, stall, goods, and materials used in the permitted trading activity from the public place.

9.4 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.

#### **~~10~~ PERMIT NOT TRANSFERABLE**

10.1 A permit granted under this bylaw is not transferable to any other person.

10.2 A person granted with a permit for one trading activity cannot transfer the permit to any other trading activity to be carried out by the person.

Trading in Public Places Bylaw

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## 11 ~~PEDESTRIAN~~~~FOOTPATH~~ ACCESS IN PUBLIC PLACES

- 11.1 All permit holders must ensure that ~~pedestrian~~~~footpath~~ access is maintained in public places at all times and that they, and their audience or customers, do not block footpaths, doorways, bus stops, fire escapes or roads.

## ~~12 PROHIBITED MOBILE TRADING AREAS~~

~~12.1 Unless specific permission has been granted, holders of mobile trading permits are prohibited from trading in the following areas:~~

~~12.1.1 George Street from the Octagon to Albany Street~~

~~12.1.2 Princes Street from the Octagon to Jetty Street~~

~~12.1.3 Lower Stuart Street from the Octagon to Moray Place~~

~~12.1.4 Moray Place~~

~~12.1.5 The Octagon except for specified spaces in the central carriageway~~

~~12.1.6 Wickliffe Square except for specified spaces.~~

## 12 CONDITIONS FOR TRADING ACTIVITIES

12.1 The Council may adopt conditions for trading activities regulated by this bylaw, which may include:

12.1.1 Additional definitions for specific trading activities.

12.1.2 Terms and conditions that apply to a specific type of trading activity permit, including requirements for or restrictions on how the activity is conducted.

12.1.3 Where the trading activity is allowed or not allowed in the district.

12.1.4 Guidance matters and other administrative arrangements relating to permits, which may include additional information to be provided with any application for a permit.

*Explanatory note: Conditions are developed and made in accordance with the decision-making requirements in the Local Government Act 2002. Once made, conditions are made available on the Council's website, on the same page as this bylaw.*

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## 13 ~~COUNCIL MAY FROM TIME TO TIME RESOLVE~~RESOLUTIONS

13.1 The Council may from time to time resolve to:

13.1.1 Declare any public place or part of a public place to be an area where a trading activity is prohibited.

13.1.2 Declare any public place or part of a public place to be an area where a trading activity is restricted and only permitted in a specific location.

13.1.3 Declare an activity to be a trading activity.

13.1.4 Declare a trading activity to be prohibited for any period.

#### 14 BREACH OF BYLAW

14.1 A person breaches this bylaw when they:

14.1.1 Fail to comply with any provision in this bylaw.

14.1.2 Fail to comply with any conditions of a permit granted under clause 6 of this bylaw.

14.1.3 Fail to carry out any action reasonably required by an Authorised Officer under this bylaw.

14.2 A breach of this bylaw may result in the permit being altered, suspended, or cancelled.

14.3 Every person that has had a permit suspended or cancelled must immediately cease trading until such time that the Council may permit them to resume.

#### 15 PENALTIES

15.1 Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 as set out in the Local Government Act 2002. Any property involved in the commission of an offence against the Local Government Act 2002 which includes a breach of this bylaw, may be seized and impounded by the Council in accordance with that Act.

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#### ~~16 RIGHT OF REVIEW~~

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~~16.1 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.~~

#### ~~17 ADDITIONAL INFORMATION TO THE TRADING IN PUBLIC PLACES BYLAW 2020~~

*Explanatory note:* This additional information does not form part of the bylaw. It contains information to help users understand, use, and maintain the bylaw. This information may be updated at any time.

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<b>Relevant legislation</b>	Local Government Act 2002 Reserves Act 1977 Land Transport Act 1998 Roading Bylaw Reserves and Beaches Bylaw Reserves Management Plan General Policies Dunedin City District Plan
<b>Associated documents</b>	Conditions for commercial use of footpaths Conditions for mobile shop traders Conditions for street fundraisers Conditions for street performing Conditions for touting Code of practice for rental scheme operators