

Item 2: Activities in Public Places Bylaw 2023- Queenstown Lakefront Traders

SESSION TYPE: Briefing

PURPOSE/DESIRED OUTCOME:

The purpose of this Council briefing is to outline the recent work QLDC's Monitoring and Enforcement Team have been undertaking to address unlawful traders on Queenstown lakefront under the Activities in Public Places Bylaw 2023. This briefing includes an outline of enforcement options and direction moving forward.

Attachment A provides a summary of the work undertaken by the Monitoring and Enforcement Team to date, high-level information of observed non-compliance with the bylaw and the Monitoring and Enforcement Team's intended approach to gain compliance along the lakefront.

DATE/TIME:

5 March 2024 at 11.05am

TIME BREAKDOWN:

Presentation/Memo: 30 minutes

Questions: 25 minutes

Prepared by:



Name: Isabelle Logez
Title: Monitoring, Enforcement &
Environmental Manager
22 February 2024

Reviewed and Authorised by:



Name: Stewart Burns
Title: GM Assurance, Finance & Risk
23 February 2024

ATTACHMENTS:

A	Memorandum
B	Presentation

Memo

To:	Elected members
From:	Isabelle Logez
Date:	Friday, 23 February 2024
cc:	
Subject:	Activities in Public Places Bylaw 2023 – Queenstown Lakefront Traders

Purpose:

The purpose of this memo is to provide a summary of the work undertaken by the Monitoring and Enforcement Team to date, high-level information of observed non-compliance with the Activities in Public Places Bylaw 2023, and the Monitoring and Enforcement's Team's intended approach to gain compliance along the Queenstown lakefront.

Issue:

Over the last six months, the Monitoring and Enforcement Team started receiving complaints concerning traders breaching the bylaw's requirements surrounding the duration of stay and separation restrictions. In conjunction with these breaches, concerns noted non-complying traders generally having detrimental effects on the amenity of the area. A number of these concerns relating to amenity effects and impact on the community were raised regarding the current operations of traders including;

- Congestion and accessibility of lakefront – pedestrians being impeded by presence of multiple stalls.
- Equity – Inconsistency between rates for established commercial premises verse zero Council costs for traders permit.
- Stallholders storing their stall in perpetuity on Council land overnight or when not in use.

There has been an observed increase of traders along the Queenstown lakefront which is likely attributed to a surge in tourism following Covid. With the increase of tourism within Queenstown over recent years, the number of traders appears to have increased to gain business from higher traffic along the lakefront.

In response to the surge of traders in recent times, the Monitoring and Enforcement Team intends to actively ensure compliance along the lakefront by enforcing the applicable rules below. To ensure amenity values of the area are maintained, the purpose is to allow equal opportunity for traders to use an area of land that is in high demand.

Prior to this, the lower presence of traders did not warrant large-scale enforcement action at the time, and the Monitoring and Enforcement Team were not receiving complaints of this nature. The application of the bylaw in regard to duration of stay and separation requirements has remained unchanged from the superseded Activities in Public Places Bylaw 2016.

The duration of stay and separation requirements are governed by the following rules within the Activities in Public Places Bylaw 2023;

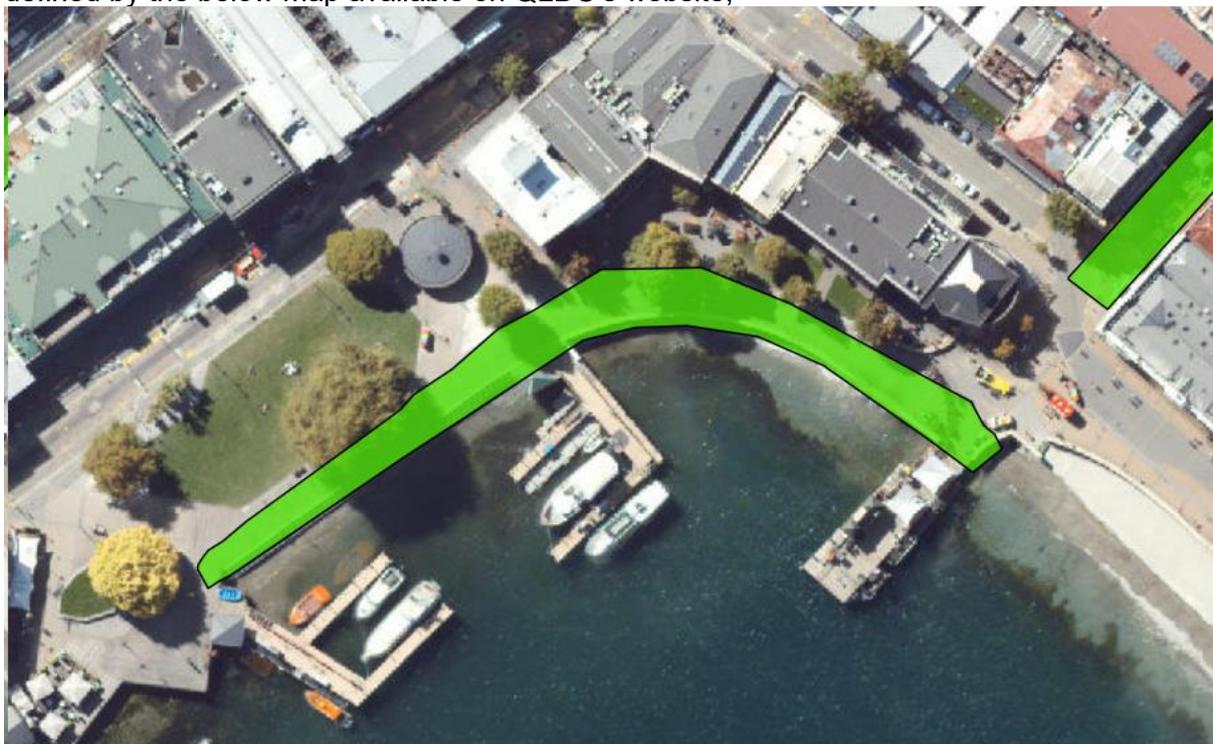
12 Conditions for busking, pop-up stalls and charity street collection

12.1 A person may busk, operate a pop-up stall or undertake charity street collection in a public place provided all of the following conditions are met:

(c) they are at a distance of at least 50 metres from any other busker, pop-up stall holder or person undertaking charity street collection;

(g) they do not remain at the same location for longer than one hour, unless there is a 30 minute break;

The area in which the buskers and pop-up stalls can operate on Queenstown lakefront is defined by the below map available on QLDC’s website;



This parcel of land is surrounded by either Council Reserve land or private property.

In accordance with the bylaw’s requirements, the 150 m stretch of trading area captured above would be limited to three or four buskers or pop-up stalls.

Observations:

Following receipt of these concerns, the Monitoring and Enforcement Team began strategic monitoring of the traders in Queenstown CBD to gain an understanding of compliance levels.

Below is a high-level overview of observations from the Monitoring and Enforcement Team over this period;

Date:	Observations:	Additional information:
30 th November 2023– 22 nd December 2023 (education undertaken prior to Christmas)	➤ 22 stall holders within 150 m stretch of lakefront	➤ 6 stallholders did not have a permit at the commencement of education.

	<ul style="list-style-type: none"> ➤ Majority of traders were located in the same position from 8am – 5pm. 	<ul style="list-style-type: none"> ➤ Initially the majority of traders did not display their permit. ➤ After two weeks of education, most traders had obtained a permit and/or printed them out for display.
4 th January 2024 – 20 th January 2024 (continued education)	<ul style="list-style-type: none"> ➤ 6-12 stall holders located in the same position from 8am – 5pm within the 150 m stretch of lakefront. 	<ul style="list-style-type: none"> ➤ Majority of traders were displaying their permits. ➤ Beginning of January saw a decrease in stallholders. ➤ Mid-January saw a steady increase in stallholders. ➤ Stallholders remained to stay within the same location for more than 1 hour.
22 nd January 2024 – Present	<ul style="list-style-type: none"> ➤ 6-12 stall holders located in the same position from 8am – 5pm within the 150 m stretch of lakefront. 	<ul style="list-style-type: none"> ➤ End of January through to mid-February did not have an increase in stall holders (6-12). ➤ Stallholders remained to stay within the same location for more than 1 hour.

In summary, whilst the observations of non-compliance have decreased since the Monitoring and Enforcement Team began largescale education, there are a number of traders continuing to breach the duration of stay and separation requirements along Queenstown’s lakefront.

Next steps:

The intended approach moving forward is to continue monitoring and enforcement of the Queenstown lakefront traders to achieve compliance with the Activities in Public Places Bylaw 2023.

Council’s approach to wide scale enforcement matters generally commences with education through to escalated enforcement for any remaining unlawful traders in accordance with QLDC’s Enforcement Strategy and Prosecution Policy. Based off similar enforcement projects, it is anticipated that through undertaking the below steps, the levels of non-compliance will reduce significantly.

There are a number of tools available under the Activities in Public Places Bylaw 2023 and the Local Government Act 2002 that can be used to achieve compliance. These tools have been incorporated within the plan below.

The below enforcement steps have been identified;

1. Education (already undertaken)

2. Formal warning outlining escalated steps if further non-compliance is identified.
3. Revocation of their permit (Clause 12.3).
4. Explore trespass options in conjunction with Step 3 for any remaining traders still operating unlawfully (may have limitations associated with this).
5. Seizure of trading equipment in accordance with the Local Government Act (Section 164).

Other additional options where compliance can't be achieved;

- Prosecution of breach under the Local Government Act (it is not anticipated that this step will be required).
- Consideration of Clause 11.2 of the Activities in Public Places Bylaw 2023 (copied below) which provides the opportunity to amend the permitted activity areas for traders or buskers to operate.

11 Permitted activity areas

11.1 *Unless specific permission has been granted, the holders of any permission may only busk, trade or undertake charity street collection in the places or areas approved by Council.*

11.2 *Council may by resolution declare:*

- (a) any public place or part of a public place to be an area where busking, trading or charity street collection activity is permitted or prohibited;*
- (b) any public place or part of a public place to be an area where busking, trading or charity street collection activity is restricted or only permitted in a specific location;*
- (c) a busking, trading or charity street collection activity to be prohibited for any period.*



Activities in Public Places Bylaw 2023 – Queenstown Lakefront Traders

Council Workshop

5th March 2024

Purpose

- Overview of Issue
- Observations of Non-compliance
- Next Steps

Overview of Issue

- Increase of traders following Covid
- Concerns received
- Impact on amenity
- Bylaw breaches identified

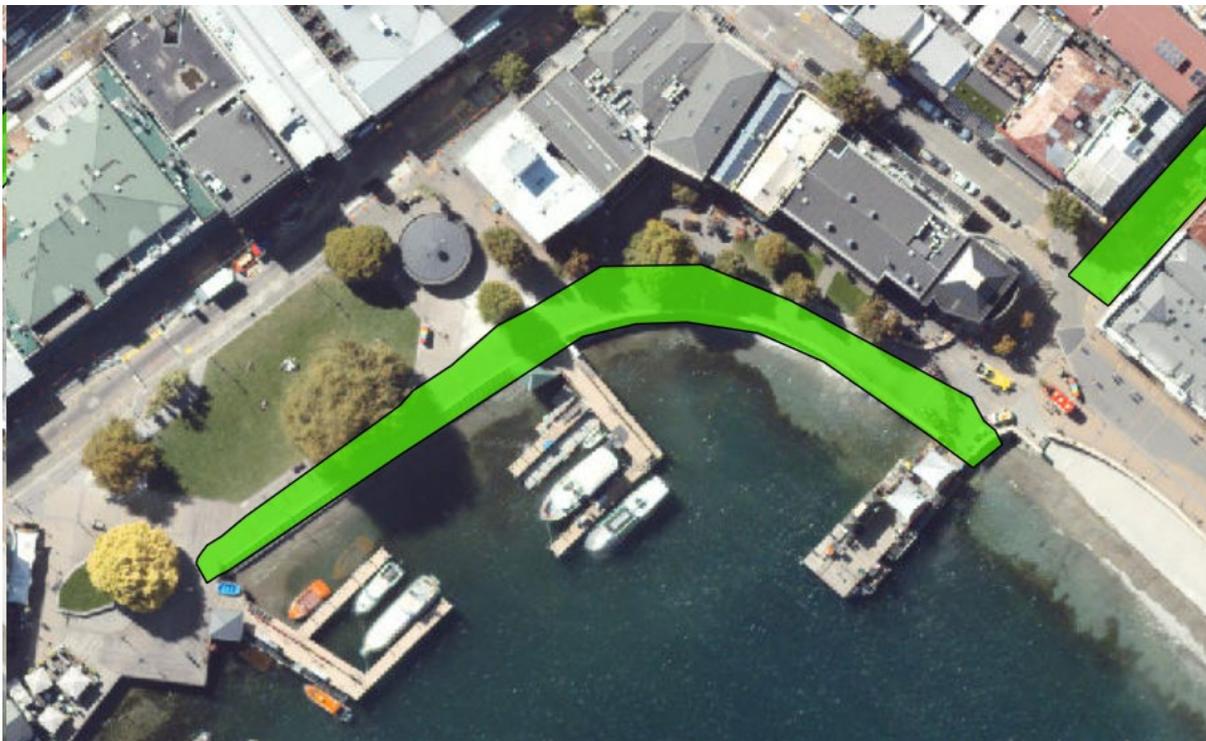
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Overview of Issue



- In accordance with the bylaw's requirements, the 150 m stretch of trading area captured above would be limited to three or four buskers or pop-up stalls.
- This parcel of land is surrounded by either Council Reserve land or private property.

Observations of Non-compliance

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Observations of Non-compliance

- In summary, whilst the observations of non-compliance have decreased since the Monitoring and Enforcement Team began largescale education, there are a number of traders continuing to breach the duration of stay and separation requirements along Queenstown's lakefront.

Next Steps

The below enforcement steps have been identified;

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Questions?