

PIE CART ADJACENT ADELAIDE RAILWAY STATIONBRIEF HISTORY

The Pie Cart was located for many years in King William Street in front of the Devon Milk Bar, north of Clarence Place. In this position it was subject to periodic complaints from nearby ratepayers such as Ingersons (later Ern Smith's), Archer and Holland, etc. but not of sufficient intensity to warrant action beyond a reprimand to the coffee stall proprietor for not cleaning up in the vicinity.

After Mr. Oram took over in 1967 he expanded the size of the actual stall and he introduced additional commodities such as cakes, sweets and cool drinks.

The then proprietors of the "Golden Rule" fruit shop and the Devon Milk Bar asked that the coffee stall be relocated. This request was pursued by a subsequent proprietor of the Devon Milk Bar.

The Council agreed to relocate this Pie Cart in an alternative site not being in front of retail premises providing a similar service.

Three alternative sites were suggested and it was decided to place the stall in front of the Victorian, Tasmanian and Western Australian Tourist Bureau. This brought strong objections from the Minister of Tourism in those States and the proposal was abandoned.

It was then suggested that the stall be located on the western side of King William Street outside the C.M.L. building. The Committee directed that adjacent owners and occupiers be given an opportunity to object. This brought forth objections in strong terms and the proposal was abandoned.

It was then recommended that the Pie Cart be relocated in front of the Railway Station and that the annual fee be reduced from \$1,100 to \$450. The Committee directed that the search for an alternative space be confined to King William Street.

A detailed report with plan was submitted to the Committee and it was stated that five sites had practical possibilities, namely, those in front of the Bank of New South Wales, National Mutual, A.M.P., A.N.Z., and Bank of Adelaide buildings. The Committee selected a site in front of the National Mutual Building.

The Pie Cart was moved and the previous site incorporated in a taxi stand. The National Mutual Life Association then raised objections after they had become aware of the nuisance created by the coffee stall. Subsequently, the stall was moved to North Terrace in front of the Railway Station in October, 1971.

Since its removal to North Terrace, the Pie Cart has been the subject of numerous complaints.

Accordingly, resolutions were passed by Council on 24th November, 1980 and the 23rd March, 1981, as follows:-

"that the pie cart site adjacent to the Adelaide Railway Station be restricted to operating between the hours of 6.00 p.m. and 11.30 p.m., and that a new stand be appointed on the west side of King William Street opposite Parliament House to operate between the hours 11.30 p.m. and 6.00 a.m. the following day, with appropriate alterations to the existing kerbside usage being made and Resolutions passed by the Council, if required."

"the Council decision to relocate the North Terrace Coffee Stall to King William Road after 11.30 p.m. each night be confirmed, but, however, the proprietor be informed that the Council will consider permanently relocating the Stall at any appropriate alternative location put forward by him and suitable to the Council."

On the 13th April, 1981, the Corporation was advised by Mr. Oram's solicitors (letter dated 10th April, 1981) that Mr. Oram would nominate a position in King William Street, at the King William Street end of Rundle Mall, as an alternative location for the Pie Cart.

Mr. Oram was duly advised that this site was not acceptable to Council. Mr. Oram's permit to be outside the Adelaide Railway Station was revoked as from 24th April, 1981 and Mr. Oram was requested by letter dated 14th April, 1981, to remove his Pie Cart to a position outside Parliament House in King William road, or completely remove his Pie Cart from the streets altogether, as from 11.30 p.m.

On the 23rd April, 1981, Mr. Oram was granted an interim injunction restraining the Council from forcing him to move the Pie Cart from its position outside the Railway Station.

As a result of this, following advice from its Solicitors, Council on the 29th June, 1981, rescinded its resolutions of the 24th November, 1980 and 23rd March, 1981 and resolved that a special meeting of the Legislation, Properties and General Committee be convened, for the purpose of hearing submissions from Mr. Oram or his representatives and any other interested complainants or their representatives, in relation to the relocation of the North Terrace Pie Cart.

Accordingly, on 19th October, 1981 and 17th December, 1981, special meetings of the Legislation, Properties and General Committee were held to consider the matter of the North Terrace Pie Cart.

Submissions and evidence were heard from representatives and witnesses of the Grosvenor Hotel and its solicitor, the Strathmore Hotel, and the State Transport Authority, all of which bodies had lodged complaints about the behaviour of patrons of the pie cart.

Submissions were also heard from Mr. Oram, the proprietor of the pie cart, and his counsel and witnesses.

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A booklet containing a transcript of the meetings and a copy of all documents tabled thereat can be made available to the Legislative Council.

The matter was further considered by the Legislation, Properties and General Committee on 18th January, 1982, and the Committee recommended that the existing Stand (No. 24) be abolished and a new Stand be appointed at an alternative site and allotted to Mr. Oram.

The Committee further directed that the Administration investigate two or three alternative sites for the pie cart and seek Mr. Oram's comments on such sites for consideration by the Committee at its next meeting.

A meeting was subsequently held on 5th February, 1982, between Mr. Oram and his solicitor, the Acting Town Clerk, the City Engineer and the Corporation's Solicitors. The various possible alternative sites were discussed at that meeting, and Mr. Oram's solicitor undertook to prepare a letter containing further submissions by Mr. Oram which could be considered by the Committee at its meeting on 8th February, 1982.

At the meeting of the Committee on 8th February, 1982, it was resolved to grant a request by Mr. Oram's solicitor to defer the matter, and it was deferred to a special meeting of 22nd February, 1982, to give Mr. Oram more time to place submissions before the Committee.

Mr. Oram's solicitor subsequently prepared a letter dated 19th February, 1982 and this was placed before Members of the Committee at its meeting on 22nd February, 1982.

At its meeting on 22nd February, 1982, the Committee decided to recommend that Mr. Oram be advised -

"that the Council is of the opinion that the continuance of operation of the pie cart from its present location after 11.30 p.m. is not acceptable and the following alternatives are offered so that he may choose one:-

- (1) Currie Street, south side adjacent to the Topham Street Car Park, from 6.00 p.m. to 6.00 a.m. daily.
- (2) North-eastern sector of Light Square, from 6.00 p.m. to 6.00 a.m. daily.
- (3) North Terrace, north side, immediately west of the Morphett Street Bridge, from 6.00 p.m. to 6.00 a.m. daily.
- (4) North Terrace, north side, adjacent to the Adelaide Railway Station from 6.00 p.m. to 11.30 p.m. daily, with continued trading also being available between 11.30 p.m. and 6.00 a.m. daily at any one of the sites listed in (1) to (3) above.

The Committee further recommended that Mr. Oram be requested to indicate in writing his acceptance or otherwise of one of the above alternatives by 5.00 p.m. on Thursday, 4th March, 1982."

At its meeting later on the same day, 22nd February, 1982, Council adopted the Committee's recommendation.

However, this matter was then further considered by the Committee at its meeting on 8th March, 1982 and the Committee decided to recommend to Council the following course of action:-

- "(1) The previous recommendation of the Legislation, Properties and General Committee to Council concerning the relocation of the North Terrace Pie Cart as referred to in Minute No. 1 of the report to the Legislation, Properties and General Committee to Council from its meeting held on 22nd February, 1982, be rescinded.
- (2) That the Council should pass a resolution in the following terms:-

RESOLVED.- That the Council, having considered all representations and heard all evidence from the Grosvenor Hotel and its legal advisor, the Strathmore Hotel, the State Transport Authority, and Mr. Oram and his legal advisors, and having been advised by letter from Mr. Oram's solicitor that none of the alternatives offered by the Council are acceptable to him, should take the following measures:-

- (a) The licence to operate street trading stand No. 24 subsequent to 30th June, 1982, be subject to the condition that the stand should cease to operate at 11.30 p.m. each day.
- (b) The Council should amend Street Trading By-Law (No. 10) to appoint three new trading stands firstly in Currie Street, south side, adjacent to Topham Street Car Park, secondly in the north-eastern sector of Light Square, and thirdly on the north side of North Terrace, immediately west of the Morphett Street Bridge, with such stands to operate daily from 6.00 p.m. to 6.00 a.m.
- (c) Applications be called for licences to occupy any one of such stands from 1st July, 1982.

The Committee further authorised the Administration to inform Mr. Oram of the foregoing resolution numbered (2) and to give Mr. Oram the opportunity of making further submissions if he so wished in time for those submissions to be considered by the Council at its meeting on 22nd March, 1982."

The Corporation's Solicitors subsequently informed Mr. Oram's solicitor of the Committee's recommendations.

On 22nd March, 1982, Council adopted all of the above recommendations. In respect to (c), an advertisement was placed in the daily newspapers on 7th May, 1982.

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On 6th May, 1982, a personal letter inviting application for Licences for Street Trading Stands was sent to Mr. Oram.

He has subsequently, on behalf of Oven Door Bakeries, applied for the licence for Stand No. 24 on the basis that it will only be available for trading from 6.00 p.m. to 11.30 p.m. daily.

On 24th May, 1982, the interim injunction obtained by Oram against the Corporation on 24th April, 1981, was discharged by order of Legoe J. An undertaking was given to the Court that the Corporation would not act in any way to alter the hours of trading or the location of Mr. Oram's pie cart before the 30th June, 1982.

The Ombudsman has also sought from the Council the background to the decisions which have been made with regard to Street Trading Stand No. 24. He has indicated by letter dated 13th May, 1982 that he "cannot be satisfied that the Council is inherently wrong in the decision that it has reached".

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