

POLICY: **ALFRESCO TYPE DINING ON PUBLIC LAND**

GROUP RESPONSIBLE: Asset Management

DATE APPROVED: 24/7/03

DATE AMENDED:

FILE NO: 10/1/9/1, 320/15/1/0

POLICY DETAIL:

1. A minimum of 1.5 metres of footpath will be available for pedestrian use at all times, any sandwich boards will not be permitted in the pedestrian area.
2. Applications are to be made in writing and approval will be granted by the appropriate Community Board/Community Development Area Committee.
3. All applications must contain:
 - Show location of any street trees and street furniture.
 - A sketch plan showing the location of any proposed chairs, umbrellas, outdoor heating devices and any other furniture that will be used in this activity.
 - Proposed hours of operation.
 - Letters of support from the adjoining (on either side of the location and the same side of the street) business owners or lessees will be obtained.
 - Any building as defined in Section 3 of the Building Act 1991 that is required for this activity shall require a building consent unless it is exempted by the Third Schedule of the Building Act 1991.
4. The activity shall be confined to the area of footpath directly outside the premises.
5. Umbrellas shall be confined to the area and not to encroach onto the pedestrian way, and shall be at a height that is safe for all pedestrians.
6. The applicant shall produce proof of public liability for a minimum of \$1,000,000 and shall take full responsibility for indemnifying Council against any claims, demands, or actions made upon Council arising out of licensees' operations.
7. Licensees will be responsible for keeping their licensed areas clean and tidy. All stained or damaged pavement surfacing must be cleaned or replaced promptly by licensees at no cost to Council.
8. Licensees must control all litter arising from their activities within a 15 metre radius of their licensed area and shall not use Council provided street litter bins for this purpose.

9. Licences are not able to be assigned or sublet the licensed area without the approval of Council.
10. Licensees will comply with all statutory requirements, Acts, Regulations, Bylaws, Ordinances, Rules and lawful directions of Council, including but not limited to, the following:
 - The Building Act 1991 and Amendments.
 - The Food Hygiene Regulations 1974 and Amendments.
 - The Health and Safety in Employment Act 1992 and Amendments.
 - The Litter Act 1979 and Amendments.
 - The Local Government Act 1974 and Amendments.
 - The Public Works Act 1981 and Amendments.
 - The Resource Management Act 1991 and Amendments.
 - The Sale of Liquor Act 1989 and Amendments.

That where the applicant for a licence to occupy a public place is the holder of an on-licence, then the occupation of the public place may not commence until such time as the applicant has sought and obtained the approval of the Liquor Licensing Agency to the sale and consumption of liquor within that part of the public place.

11. Licences shall be issued by the appropriate Committee Secretary and shall be for a maximum period of three years.
12. Fees to be set by Council on an annual basis.

Fees:

13. Application fee of \$100 plus GST. This credited to the District Account.
14. Fees be set at \$100 plus GST per annum based on the maximum number of tables. This credited to the District Account and billed yearly.
15. Fees may be waived wherever furniture is put out for use less than 10 days in any year, or at the request of the relevant Community Board or Community Development Area Committee.

Transitional Provisions:

There are a few existing facilities already operating alfresco type dining. These will need to be transitioned into the new system. As this is mainly a summer activity it is proposed that the policy could become operative from 1 October 2003 giving all existing operators adequate time to apply for their licence to occupy.