

Alfresco Dining Policy (#3116)

Adopted: 22 March 2000
Reviewed: 16 October 2014

Background

Café and restaurant owners benefit from increased business opportunities, and the wider community benefits by having a more vibrant commercial sector that is meeting the needs of a more discerning public.

This policy is driven by a growing number of requests for alfresco dining facilities and concerns raised by the public over the legality of this type of operation. This policy formalises the procedures and protocols for the application and the process for approving/declining alfresco dining licenses.

Objective

To enable the private use of public space for outdoor dining.

Policy Statements

Council's policy position in respect of alfresco dining is to:

- enable operators to legitimately occupy public space as an extension of their premises.
- create minimum standards for the upkeep and general maintenance of land used for this purpose.
- maintain both pedestrian and vehicular traffic flow in a sensible and safe manner.
- ensure the Council charges a fair rental for the use of these assets so as not to skew commercial considerations.
- ensure the applicant has adequate public liability insurance.
- ensure that provision is made for special events.

Procedures

Application

All requests to use a public space for outdoor dining must be lodged in writing to Council and along with the Alfresco Dining, Application for License, should provide the following information:

a. Access requirements, including:

- Footpath clearance, pedestrian access, and setback from the kerb
- Location of street trees and underground services

b. Safety and security requirements, including:

- Location of chairs and umbrellas
- Heating and lighting
- Hours of operation
- Insurance provision

c. The standard and type of furnishings/fitout as well as a sketch plan

- d. Extension of licensed premises and resource consents (where applicable).

Implementation Process

1. Upon inquiry from potential applicant, and application checklist is sent, e.g. compliance conditions as outlined above. The applicant is asked to address these as part of their written request.
2. All applications are forwarded to Environmental Monitoring or Regulatory Services Manager.
3. Council staff (Environmental Monitoring) assess the application for compliance (site visit essential).
4. Approval will be given at staff level to those applications that meet all criteria. All other applications, including those which are declined, are to be approved by the relevant Community Board.
5. License details are entered into the computer for annual renewal, and the license is signed and consent fees paid.

Minimum Conditions to Apply

6. The maximum area in which the extended operation can take place must not exceed the premises front boundary points and must leave a minimum of 1.5 metres clear access for pedestrian traffic.
7. Letter of support from adjoining (either side but same side of the street) business owners or lessees is desirable.
8. The designated area and facilities provided must be cleaned and maintained to a standard acceptable to Council.
9. The space occupied is not to obstruct access to or egress from the premises or adjoining premises as per fire regulations.
10. No tables, chairs, or displays are permitted where the proposed area is adjacent to a bus-stop, taxi stand, pedestrian crossing, Council seating, or rubbish bins.
11. A sketch plan of the applicant's requirements is to be supplied with each application together with a description of the materials and design of the furniture to be used.
12. The consent is business and person specific. A change of ownership will require a new application to be lodged.
13. The owners must abide by the direction of authorised Council officers.
14. Council can revoke the consent if any conditions are not being met or any problem cannot be resolved.
15. Fees will be determined by Council and are payable before written consent is issued or as specified in the written consent. These fees can be found in Council's Fees and Charges Schedule.
16. Trading is limited to the area designated and time specified in the consent. The owner is required to remove tables, chairs, etc. at the end of each trading day unless otherwise specified.
17. No alcohol is to be served, supplied, or brought to the tables and chairs until the appropriate Liquor Licence includes the Alfresco Dining area, permitting such activities.
18. Council accepts no responsibility for any damage or physical injury caused by the owner's operation.
19. Public liability insurance of \$500,000 is to be carried by the owner.

20. Council reserves the right to temporarily suspend the consent for any special events, e.g. Christmas parades. Written notice will be given to the licence holder in advance.
21. Notwithstanding any of these conditions, any existing conditions shall remain, e.g. building consent, resource consent, or any other Council requirement.
22. Owners must comply with their resource consents and other licences (e.g. liquor licence) and seek at their own expense any additional approvals regarding the extension of their premises. Any approval granted by Council to use public space in accordance with this Alfresco dining policy will not automatically imply compliance with any other regulatory issue.
23. Parking contribution requirements are waived for applications requiring up to five (5) tables. Any number of tables over five may require a parking contribution which will be determined by the Planning Department on a case-by-case basis.