

QLDC Council  
8 October 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 3

Department: Community Services

Title | Taitara Approval of Tables & Chairs in Public Space Policy 2020

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

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- 1 The purpose of this report is to request that Council approves a refreshed Tables & Chairs in Public Space Policy, to replace a 2006 version of that policy.

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

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- 2 Council has undertaken a process to refresh the Tables and Chairs in Public Space Policy 2006, as some provisions were identified to be in need of reconsideration. This process included two Councillor Workshops (April 2019 and June 2020), as well as community and stakeholder feedback sought for the redrafted policy. Council is now asked to approve the final version, which is included as **ATTACHMENT A**.

RECOMMENDATION | NGĀ TŪTOHUNGA

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That Council:

1. **Note** the contents of this report;
2. **Approve** the Tables and Chairs in Public Space Policy 2020, which will then replace the 2006 version.

Prepared by:



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21/09/2020

Reviewed and Authorised by:



Thunes Cloete  
General Manager Community  
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24/09/2020

## CONTEXT | HOROPAKI

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- 3 Table and Chairs Licences are typically associated with bars, restaurants and cafes, and the licence applications are considered in accordance with the *Tables and Chairs in Public Space Policy 2006*. The policy and associated licences apply only to Council controlled land, such as reserves, legal road and freehold land, where businesses may set up defined outdoor areas for food and beverages (i.e. table and chair areas).
- 4 The policy has for the greater part functioned well since 2006, however a concern arose early in 2019, which related to how the policy addressed alcohol. A condition of the 2006 policy, and Tables and Chairs Licences granted under it, is that *no alcohol may be served or consumed in table and chair areas after 10pm*.
- 5 The concern was that there are discrepancies with this position, and these are associated with the various permissions required by Council, for outdoor activities involving alcohol, depending upon the ownership of the land. Considerations associated with the separate permissions, have the potential to result in an inconsistent or conflicting outcomes.
- 6 At a workshop in April 2019, Councillors discussed the licenced outdoor consumption of alcohol on private land, compared to Council administered land. Whilst the Tables and Chairs in Public Space Policy 2006 placed a blanket prohibition on the consumption of alcohol on Council controlled land beyond 10pm, in comparison, premises on private land could serve alcohol outside past 10pm, provided they have an Alcohol Licence and a Resource Consent. It was considered that a 10pm alcohol prohibition on Council controlled land was outdated, and that the 2006 policy should be reconsidered. The licenced outdoor consumption of alcohol can otherwise be addressed by Alcohol Licence and District Plan requirements, which are appropriate mechanisms to ensure safe practices and the management of potential effects.
- 7 The intention is to refresh the current policy to align it with contemporary thinking, and to keep considerations as simple as possible. In essence, the refreshed policy is virtually identical to that which has functioned well since 2006, but only those matters which are out of date, or in need of reconsideration, have been modified. The premise has been to only change that which is necessary, and not what might be preferred.
- 8 In the attached refreshed policy, revisions that materially differ from the 2006 policy have been highlighted in red, and some redundant references have been removed.
- 9 The most significant revisions are as follows:
  - a. No alcohol prohibition past 10pm, under policy 3.5. This is instead appropriately addressed under the District Plan and Alcohol Licencing processes.
  - b. Wider minimum area for footpaths, increased to 3 metres from 1.5 metres (2006), under policy 5.4.
  - c. Fees and charges updated in accordance with Full Council resolution on 31 January 2019. Refer policy 3.7. The fee review scheduled for 2020 has been deferred to 2021 in light of the implications associated with COVID-19.

- d. Highlighting likelihood of areas becoming smokefree and vapefree under policies 2.1 and 2.2.
  - e. Insurance level updated from \$1,000,000 to \$2,000,000 under policy 2.4 and 3.2.
  - f. Amendment fee increased from \$50 from \$100 under policy 3.3.
- 10 The reconsidered 2020 policy is now put to Council for approval. If approved, the 2020 policy will hereafter guide the management and activities of Table and Chair Licence Areas. The intention is that the policy will be reviewed in three years.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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11 As part of the policy refresh process, feedback has been sought from stakeholders (those businesses/persons with Table and Chair Licences) and the community. The feedback period went from 14 August to 11 September 2020, with six persons providing comment. A summary of the queries and Council Officer's associated comments are included as **ATTACHMENT B**. Overall, the majority of matters related to clarification and queries. Whilst some suggestions were made for changes to the policy, on balance it has been determined to retain the existing wording for the reasons explained in the comments. Other changes that have been suggested around trading hours and the ability to serve alcohol have been provided by the revised Policy.

12 Option 1 Council approves the refreshed Policy.

### *Advantages:*

- 13 Businesses have an option to seek Resource Consent and Alcohol Licences to potentially allow activities associated with alcohol beyond 10pm.
- 14 The 2006 Policy was outdated in some respects, particularly around insurance and application fees.
- 15 The 2006 Policy referenced a fee schedule that Council had already agreed to revise in 2019. Consideration of the revised fees occurred at the Full Council meeting on 31 January 2019. Council agreed to adopt the new fees at the 31 January 2019 meeting, with the fees subsequently implemented as part of the licence renewals. That revised fee schedule has now been incorporated into the refreshed policy for clarity, recognising that it has been the requirement since 2019. The 31 January 2019 Council decision also required an additional fee review prior to the 2020 licence renewals, however that review has now been deferred to 2021 in recognition of the implications associated with COVID-19.
- 16 The refreshed policy highlights the likelihood of areas becoming smokefree and vapefree.

*Disadvantages:*

- 17 Some persons might still prefer a 10pm prohibition on alcohol in Council Table & Chair Licence areas. However, it is noted that no stakeholder/community feedback identified any such concerns.

18 Option 2 Council declines the refreshed Policy.*Advantages:*

- 19 None identified.

*Disadvantages:*

- 20 There will be a prohibition on alcohol in Table & Chair Licence areas beyond 10pm, whilst business on private land will have no such prohibition.
- 21 The 2006 policy is outdated in that it refers to insurance requirements from fourteen years ago, and the application fees are low given the extent of consideration associated with assessing and managing Licences.
- 22 The likelihood of areas becoming smokefree and vape-free will not be reinforced.
- 23 This report recommends **Option 1** for addressing the matter because it aligns with the approach of Council sentiment and advice thus far, and recognises that some aspects of the 2006 policy are out of date.

**CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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**SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

- 24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to public and council controlled land.
- 25 The persons who are affected by or interested in this matter are the general public and users of the public and council controlled land.

**RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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- 26 This matter relates to the Community and Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register, which relates to an ineffective management of community assets, and is identified as having a high inherent risk rating.
- 27 This risk is mitigated because the refreshed policy is intended to provide an improved tool for the management of community assets, being road reserve, reserve and Council freehold land.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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28 The refreshed policy includes the fee schedule previously agreed by Full Council on 31 January 2019. The additional fee review otherwise scheduled for 2020 is now deferred until September 2021. The fees are a rental on the commercial use of Council administered land.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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29 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy.
- 10-Year Plan/Annual Plan

30 The recommended option is consistent with the principles set out in the named policies.

## LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

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31 Councils' legal team have been involved, and provided advice during the policy refresh process.

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling an efficient management of Table & Chair Licences on Council controlled land;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

## ATTACHMENTS | NGĀ TĀPIRIHANGA

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A	Suggested Tables & Chairs in Public Space Policy 2020
B	Stakeholder and Community Feedback