

Kaupapa Here Whare Kawhe ā-Tiriti

Street Café Policy

Scope

This policy relates to dining on the footpath, roadway or public land which is under the ownership or control of the South Taranaki District Council for the purpose of al fresco dining. The South Taranaki District Council (STDC) retains control over the outdoor dining Permits to ensure that pedestrian flow is maintained, and visual amenities are not compromised. The policy relates to all areas across the South Taranaki District and is used to guide decisions on Street Café Permits.

A Street Café Permit allows the permit holder to utilise Council owned land to extend their business operating area for customers to eat and drink outdoors. This permit does not authorise the consent holder to sell food under the Food Act 2014 and alcohol under the Sale and Supply of Alcohol 2012.

Easily relocatable or temporary food and beverage stores or carts are not considered under this policy. This policy relates to permanent or semi-permanent dining arrangements.

Council's Role and Responsibility

The Council is required to manage its property, which includes the footpath and roadway, to:

- a) Encourage vibrant and connected communities;
- b) Protect the public from nuisance;
- c) Protect, promote and maintain public health and safety;
- d) Regulate, control or prohibit street cafés in public places, and;
- e) Regulate and control the use of public places.

Purpose of the Policy

The policy serves to find the balance between enhancing vibrancy across all towns where people are attracted to visit and connect as well as providing fair and consistent approaches to the use of Council's footpath, roadway or public property. Council aims to enable Street Café Permits in town centres, while putting controls in place to prioritise pedestrian and accessible access.

This policy supports the provisions of the South Taranaki District Council Public Places Bylaw (2014), and amendments, as the regulatory requirement for Street Café permits in the South Taranaki District.

Objectives

The objectives of this policy are to:

- To enhance the vibrancy of the South Taranaki towns;
- Outline the conditions for Street Café Permits;
- Consider pedestrians (primary users) versus the need for businesses to extend their premises onto Council owned land for the purposes of al fresco dining, and;
- To provide a fair and consistent approach to Street Café Permits.

Definitions

Al fresco dining means the placement of tables and chairs outside of a food premises, for the purposes of consuming food, and or alcohol, outside in the open air.

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this policy.

Bylaw means the Council's current Public Places Bylaw.

Chief Executive means the principal administration officer of the South Taranaki District Council. Or maybe the person appointed by the South Taranaki District Council to the position of Chief Executive.

Council means Te Kaunihera o Taranaki ki Te Tonga/South Taranaki District Council.

Food premises means, in relation to this policy, a business which sells food to the public, which can be consumed on the premises.

Footpath means that portion of any road reserve laid out or constructed for the use of pedestrians and includes the edging and kerbing and includes any footbridge.

Permit holder means the person or company that has applied for and been granted a Street Café Permit from the Council, to utilise Council owned land (the footpath) for the purposes of al fresco dining.

Public place means a place that is:

- a) Under the control of the Council, and;
- b) Open to, or being used by, the public whether or not there is a charge for admission; and includes:
 - i) A road, whether or not the road is under the control of Council; and
 - ii) Any part of a public place; and
 - iii) Any reserve.

Street Café means an area designated by the Council as a space outside a food premises where tables and chairs can be placed to allow al fresco dining (and in some instances, for a liquor licence) to occur.

Street Café Permit means written consent from Council, which may include conditions and may (as stated) require payment of fee to accompany an application which authorises the permit holder to extend their business operating area for the purposes of al fresco dining.

Policy

The Council owns the footpath and roadway. The Council is required to manage these public places, and any activities which may occur on or within it.

1.0 Application for a permit

- 1.1 An application for a Street Café Permit must be made in the prescribed form and submitted with all of the required information. Incomplete applications may be refused or more information may be requested.
- 1.2 The Council may set a non-refundable application fee for the cost of processing the application. The fee payable is listed under the Council's current Fees and Charges Schedule.
- 1.3 Any application for a Street Café Permit may require assessment and approval by other teams at Council, however, this is based on the recommendation of Council's Environmental Health Officer. Any application for permanent fixtures of furniture or a structure must be assessed and approved by the Council.
- 1.4 Approval from the Council is required if the permit holder wants to extend the dining area beyond what has been approved under an existing Street Café Permit.
- 1.5 All Street Café furniture shall be fully located in front of the building and not imposing onto the frontage of the surrounding buildings unless written permission has been obtained from the property owner. Written approval shall be provided to the Council on request or at the time of the Street Café Permit application is lodged.
- 1.6 **Note:** if a premises wishes to serve alcohol in the applied al fresco dining area, their liquor licence will need to reflect this. Otherwise, all public areas in the CBD are under a liquor ban, and alcohol will not be able to be sold or consumed in the street café area.

2.0 Conditions of a Street Café Permit

The Council may impose conditions on the Street Café Permit, in order to reduce any impact on pedestrians, who are the primary users of a footpath; whilst also managing risks associated with a Street Café activity. Conditions will also reduce the likelihood of damage to Council property or infrastructure, pests or scavenger animals, and maintain the flow of pedestrian access past the Street Café.

- 2.1 It is necessary for adequate pedestrian flow, to allow at least 1.5 metres width of remaining footpath outside of the requested permit area.

- 2.2 The street furniture must remain on the footpath only during the permitted hours or as stated in the conditions of the permit.
- 2.3 The holder of the permit shall collect and remove any associated rubbish from the permitted and surrounding area. The rubbish must not be swept into the gutter or placed in public rubbish bins.
- 2.4 Business operators shall clean away any food scraps or plates from the street café area when patrons leave the tables, to ensure that birds and rodents do not scavenge.
- 2.5 The design and appearance of the furniture will require approval by the reporting officers on behalf of the Council, as part of the Street café Permit application.
- 2.6 The feet of any furniture, such as tables and chairs, must be fitted with rubber – so that damage to the bricks and tiles in the CBD area/s does not occur. The applicant is required to provide photos of the furniture with the application.
- 2.7 No furniture or signage should obstruct any fire exits, doors or escapes. All of these areas should be clear at all times.
- 2.8 Food trucks or temporary activities do not need to apply for a Street Café Permit for tables and chairs in public areas. However, written approval from the Council is required.

3.0 Responsibilities of the permit holder

- 3.1 The permit holder is responsible for the repair of any damage within the permitted area, caused by the activity of patrons.
- 3.2 The permit holder is responsible for the behaviour of its patrons within the permitted area and must prevent them from causing any disturbance to pedestrians or neighbouring businesses.
- 3.3 Any permanent fixtures that are included under the Street Café Permit shall be protected by Public Liability Insurance. The insurance shall be at the cost and responsibility of the permit holder.
- 3.4 The permit entitlement lasts for a maximum of 5 years from the date granted or until the Street Café changes ownership, whatever comes first. A change of ownership requires a new Street Café Permit to be issued.

4.0 Smokefree and Vapefree

- 4.1 The Council endorse Street Cafe outdoor dining areas as well as the footpath, roadway and public areas being a Smokefree and Vapefree environment. Although this is not a condition of this Policy, Council encourages business owners to make a commitment in being a Smokefree and Vapefree area.
- 4.2 Council support Smokefree and Vapefree signs being displayed around outdoor dining areas to promote a Smokefree environment.

5.0 Responsibilities of the Council

- 5.1 Inspections of the street café and permit conditions will be undertaken on an annual basis.
- 5.2 That the Council addresses complaints appropriately and promptly to ensure the responsibilities and objectives of this policy are being met.

6.0 Breaches of permit conditions

- 6.1 Any breaches of the Street Café Permit conditions will result in the Council issuing a notice, advising the permit holder to fix or remove the breach of the conditions. The permit holder must take steps to comply with the notice within the allocated timeframe included in the letter. If the breach of permit conditions continues after the issuing of the notice, the Council may remove the street café items which are in breach of the conditions, or fix the damaged item/s. All costs involved in the removal or fixing of items will be incurred by the permit holder.

7.0 Suspension or cancellation

- 7.1 The Council reserves the right to suspend or cancel a Street Café Permit, at any time.
- 7.2 The holder of a street café permit must accommodate street works or any other event as requested by an Authorised Officer. This can include work being undertaken to the footpath or the roadway. The Council will advise the permit holder in writing. Generally, this will be within 48 hours; however, short notice (less than 24 hours) may be required in cases of emergency or urgent works.

8.0 Requirements of other Acts, Regulations, Bylaws, or Policies

- 8.1 All legislative requirements and Council Bylaws must be met at all times, including but not limited to:
 - Public Places Bylaw 2014;
 - Sale and Supply of Alcohol Act 2012;
 - Food Act 2014, and;

- Alcohol Control Bylaw 2018 (and reviewed versions).

Other Acts, regulations, bylaws or policies may relate to certain activities. Any additional considerations shall be identified by the Environmental Health Officer if required.

9.0 More Information

Environmental Health Officer
Regulatory Services Manager
South Taranaki District Council – 0800 111 323

10.0 Review of Policy

- 10.1 This Policy shall be reviewed every five (5) years to ensure the policy is effective and efficient at achieving the objectives.
- 10.2 The Council may from time to time by resolution publicly notified, alter any appendices attached.



Te Kaunihera o Taranaki ki Te Tonga

South Taranaki
District Council

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