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Dining and drinking outdoors in Auckland city

A guide to working with Auckland City Council during the licensing and operation of your outdoor café, restaurant, bar or tavern.

Supplement to: **Auckland City Council Street trading policy: *The provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises in a public place***

July 2010

This document is subject to be updated periodically by the council.

Introduction

Using this guide

If you own a restaurant, café, tavern or bar and would like to provide outdoor facilities for dining and/or drinking on the footpath next to your business, or in a shared space street, you will need a Street trading licence from Auckland City Council. A licence is required to comply with the [Public Places Bylaw](#) 28 July 2008.

The Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises in a public place* was developed in consultation with business owners and representatives from the hospitality industry. It was endorsed by the Arts, Culture and Recreation Committee in September 2009.

Auckland City Council has developed these guidelines to help interpret and implement the [Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises in a public place](#) .

The guide outlines the requirements and explains the process to apply for your Street trading licence.

This document is a living document and is subject to change at any time. It will be reviewed periodically.

For further information on this activity, please refer to the [Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises in a public place](#).

If you require assistance from an authorised officer - street trading, phone 093792020 or email: acstreettrading@aucklandcity.govt.nz.

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Section 1 *About the Street trading licence: the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*

1.1 What does this Street trading licence allow?

The Street trading licence for *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises* enables premises offering food and/or drinks including those offered by a licensed (for serving alcohol) premises to use/occupy the footpath, shared space street (or other public areas) as an extension to the existing premises.

1.2 Who can apply?

Premises that offer food and/or drinks including those offered by a licensed (for serving alcohol) premises can apply to extend their existing business activities onto the footpath, shared space street or public space immediately in front of their premises.

Premises wishing to serve alcohol in the outdoor seating area will need to be mindful that before doing so they must apply to the District Licensing Authority to have their Liquor licence re-defined according to the requirements of the [Sale of Liquor Act 1989](#).

1.3 What are the criteria for applying for a Street trading licence?

Premises considering applying for a Street trading licence to provide outdoor dining and/or drinking facilities will be required to demonstrate:

- a current food premises registration
- compliance with building code regulations and hold a code compliance certificate under the Building Act 2004, demonstrating that the premises has capacity to service an increased number of patrons for example:
 - adequate toilet facilities
 - sufficient grease trap capacity to cater for total numbers of patrons provided for inside and outside the premises
 - appropriate fire regulations requirements are in place
- public liability insurance to the value of \$1 million
- that the public space area you wish to use for outdoor seating is allowed for in the District Plan
- a liquor licence under the [Sale of Liquor Act 1989](#), if applicable
- that there is adequate pavement width - all furniture must be able to be used for the purposes intended and enable appropriate pedestrian clear-way as outlined in the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.1 'Location'](#)
- that the activity will not compromise the safety of pedestrians or other road users

Note: If you are still unsure about whether you are eligible to apply for a Street trading licence, check with a Auckland City Council authorised officer – street trading, by phoning 09 3792020 or email: acstreettrading@aucklandcity.govt.nz.

1.4 How much is the Street trading licence fee?

A non-refundable Street trading licence application fee is payable at the time of the initial application. Fee amounts will be reviewed annually and are outlined in the council's [Annual Plan](#) which applies from 1 July to 31 June of the following year.

The annual licence fee will be calculated on a per square metre site coverage basis plus an initial registration fee to be consistent with Council's street trading policy.

If a licence expires, a new application fee will need to be paid before a new Street trading licence can be issued and the outdoor space occupied.

1.5 How is the Street trading licence fee calculated and what is it for?

The Street trading licence fee per metre-squared will be calculated based on the recovery of costs of processing the Street trading licence application, administration and monitoring (prior to and post issuing) of the licence and Auckland City Council overheads.

The Street trading licence fee does not include any fines or costs resulting from non-compliance. These costs will be charged separately.

1.6 How often is the Street trading licence fee due?

Street trading licences are renewed on an annual basis, for which an annual licensing fee is payable. There is also an option to pay for part of a year, for a period of either:

- three months
- six months
- nine months

A reminder to pay the Street trading licence will be sent out annually.

Please note there will be **no reminder notices for short term** Street trading licences.

In the event of the annual Street trading licence fee not being paid in advance of the expiry date, the licence will be deemed to have expired. If the licensee wishes to continue to trade after the licence has expired, a new Street trading licence application fee will be charged.

1.7 Can the Street trading licence be transferred to another business owner?

When a business is sold, the annual Street trading licence will remain with the business until the end of the licence period, unless the new owner chooses to give up the outdoor

seating area at the premises. The new owner must apply for a licence under his or her own name when the licence comes up for renewal.

Auckland City Council must be informed within fourteen days of any change of ownership of the business, or if the new owner chooses not to retain the licence to provide outdoor dining/and or drinking facilities.

You can email the council at acstreettrading@aucklandcity.govt.nz to inform them of a change of ownership.

Note: Refunds on Street trading licences being surrendered will be considered for outstanding periods greater than one month. For example, a Street trading licence with three weeks to go before expiry will not be considered for a refund.

Refunds will be calculated based on the nearest whole month, providing the outstanding balance is greater than \$100.

Where a Street trading licence is cancelled or suspended by Auckland City Council there will be no refund.

Section 2 Locations that allow for outdoor dining and/or drinking

2.1 Where are outdoor dining and/or drinking facilities allowed in the city?

Where premises such as restaurants, cafes, bars and taverns already exist, there is an opportunity to extend the activity onto the footpath or into shared space streets This is allowed:

- where the Auckland City Council [District Plan](#) permits this activity on, or adjacent to your premises/property, or where a resource consent has been granted
- in the Central area as defined in the [District Plan](#)
- in shared space streets such as Lorne, Fort, Elliott and O'Connell Streets
- in all town centres where circumstances and facilities permit
- where the footpath is wide enough to provide for pedestrian activity

Note: A resource consent may be necessary. Special conditions related to the particular business areas of the city may apply. Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.1 'Location'](#).

2.2 Where can the outdoor seating area for dining and/or drinking be sited within a public space?

The outdoor space immediately in front of your premises can be considered as an extension to your café, restaurant, bar or tavern for the purpose of providing outdoor dining and/or drinking facilities – check [Section 1.3 of these guidelines](#) to see if you are eligible.

The outdoor seating area should not extend beyond the frontage of the premises.

Variations such as extending beyond the frontage of the premises and the use of public space on the kerb-side for dining may be considered on a case-by-case basis. If split areas for outdoor dining and/or drinking such as shop front and kerb-side dining are proposed, the authorised officer – street trading needs to be satisfied that safety and ease of pedestrian movement are not compromised.

Refer to appendix 3 – figures 1, 2, 3 and 4

2.3 Where can the outdoor seating area for dining and/or drinking be sited within shared space streets?

In shared space street environments, outdoor dining and/or drinking will not be located immediately in front of the business premises. This area will be maintained as a clear-way of a minimum of 1.8m for unobstructed pedestrian movement.

An area of approximately 2.5m within the shared space street, starting from the edge of the clear-way, may be available for outdoor dining and/or drinking associated with the existing business. Your shared space street proposal will be considered for approval by the council and will be subject to special conditions.

Refer to appendix 3 – figures 3 and 4

2.4 Can I provide outdoor dining and/or drinking facilities where there are special features such as heritage items or artworks?

Yes, providing the outdoor area:

- adds value to the heritage features and sense of place within the public spaces, such as using designs, materials and finishes which are in keeping with and complement the area's heritage character. Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.4 "Enhancing urban character and heritage", 7.4.2.](#)
- does not obstruct significant buildings, public artworks and heritage artefacts, views or vistas, such as views of volcanic features as outlined in the District Plan.
- complies with the [District Plan](#) requirements in relation to scheduled heritage items. Advice should be sought from an authorised officer - heritage.

Note: Where a proposal requires an in-depth assessment, such as how the proposal fits in to its surrounding urban environment. Specialist advice should be sought from an authorised officer - heritage or urban design. This may result in an additional fee being charged to the applicant.

Section 3 Licence holder responsibilities

3.1 Where should I display my Street trading licence?

The licence holder should display the Street trading licence at the main entrance to the premises or next to the liquor licence where applicable.

3.2 How does the area covered by my Street trading licence need to be defined?

The area licensed for the provision of outdoor dining and/or drinking facilities must be demarcated with the council approved markers. Markers will be provided by the council and fitted by an Auckland City Council approved contractor at the time of issuing the Street trading licence.

In the case of outdoor areas for dining and/or drinking being proposed in shared space streets, special demarcation may apply and will be advised at the time of issuing the Street trading licence.

If you require a change to be made to the marked out area in the future you will be liable for the cost of repairing any damage resulting from changes to the surface of the footpath. It is the obligation of the licence holder to notify the council of damaged or missing markers.

3.3 How much space do I need to leave at the edges of the outdoor area?

A 1.8m minimum unobstructed pedestrian clear-way should be maintained adjacent to the outdoor seating area, as well as on street footpath/corners to enable safe movement of pedestrians, wheelchair and pushchair users along the footpath and around the edges of buildings.

A minimum set-back of 600mm from the kerb-side must be retained and be free from obstructions. Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.1 'Location', 7.1.9.](#)

Refer to appendix 3 – figures 1, 2 and 12. Figure 15 is an example of inappropriate treatment of the corner, creating a safety hazard for pedestrians.

3.4 Can I enclose the outdoor seating area to provide privacy for my customers?

The edges of the outdoor seating area may be defined by the placement of planter boxes or freestanding screens. These items must not exceed 1300mm (measurement from ground level), and must not compromise public safety, accessibility and use of the public space. Drop down blinds used to provide shelter from the weather should not entirely enclose the area.

Refer to appendix 3 – figures 12, 13 and 16. Figure 14 is an example of inappropriate ways of enclosing the outdoor seating area.

Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.3 'Furniture requirements', 7.3.5.](#)

3.5 Does the Street trading licence cover drinking of alcohol in the outdoor seating area?

The Street trading licence for the provision of outdoor dining and/or drinking facilities does not automatically permit customers to consume alcohol in the outdoor area.

If your business has a liquor licence, you may apply to the District Licensing Authority to have your outdoor seating area re-defined to meet the requirements of the [Sale of Liquor Act 1989.](#)

Bars and taverns wishing to use outdoor areas for the consumption of food and/or drinks must have menus available at the bar and on the tables within the outdoor seating area. The food on the menu must be available at all times that the patrons are occupying the outdoor area. A bar/tavern must have an advertised food special as part of the promotion of food with drink. Where premises do not have table service, the bar itself must have a menu clearly displayed at all times. Bar staff are instructed to encourage patrons to behave responsibly and consume food with their alcohol.

3.6 Does the Street trading licence allow smoking in the outdoor area?

Yes, smoking outside is not a prohibited activity.

Patrons using premises with outdoor seating areas are entitled by right to occupy space on the footpath, provided the outdoor seating area complies with the Smokefree Environments Amendment Act 2003.

Any outdoor seating area used for smoking must provide ashtrays and waste receptacles for smokers. The contents of these must be disposed of appropriately at the end of each days trading.

Areas licensed for the provision of outdoor dining and/or drinking facilities cannot be used solely for smoking.

3.7 Street cleaning and maintenance

The licence holder has a responsibility to:

- keep the outdoor seating area and immediate adjacent area swept and free from litter at all times including removal of all rubbish from the area at the end of the trading day
- provide suitable receptacles for cigarette butts and ash which are emptied regularly
- ensure that cigarette butts and ash are collected from the footpath and any nearby tree pits
- ensure the outdoor seating area is kept free from food and grease stains *
- maintain cleanliness of the outdoor seating area when access for the council's street cleaning contractors is restricted. Refer to Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those*

offered by a licensed premises, [Section 7.9 'Management of street trading activities', 7.9.1.](#)

Note: * If the footpath has been stained or damaged by grease then the licensee is obliged to remove the grease stain. Failure to do so will result in the council arranging grease removal and/or footpath repair at the licensee's expense.

3.8 Storage

The licence holder has a responsibility to:

- store furniture in a tidy manner
- remove furniture including planters and screens from the outdoor seating area at the end of the trading day
- keep the outdoor seating area free from storage of other items such as vegetables and/or rubbish bins

3.9 Advertising and signage

Advertising of products sold within the premises on outdoor fixtures such as drop down blinds or free standing screens and umbrellas may be permitted:

- where the food or drinks products are sold and consumed on the premises
- providing they comply with the [Signs Bylaw 2007](#)
- where [resource consent](#) has been granted where applicable

Refer to appendix 3 – figures 4 and . Figures 5 and 6 show inappropriate signage on the footpath/street.

Note 1: Sandwich boards are not permitted within the Central area as defined by the [District Plan](#). In business areas where sandwich boards are permitted, they must be set up within the demarcated area licensed for outdoor dining and/or drinking.

Street banners referring to activities not physically located on the street, along with management of signs associated with street trading activities, should refer to the [Signs Bylaw 2007.](#)

3.10 Noise

A condition of your Street trading licence for the provision of outdoor seating in a public place is that you will be bound by the noise requirements of the Resource Management Act 1989, requiring you to avoid any unreasonable noise. At any time, noise should not exceed the [District Plan](#) requirements.

Your responsibilities include:

- managing over-crowding in the outdoor area
- encouraging patrons to be seated
- patrolling the outdoor seating area on a regular basis
- minimising noise nuisance in the outdoor seating area

- monitoring and maintaining an acceptable / reasonable level of noise in the outdoor area.

Noise can often be an issue, particularly when large numbers of people are present or when trading late at night. Licensees are responsible for managing this space in such a way that noise nuisance is minimised.

If noise levels disturb neighbours and are considered excessive, you may need to close the outdoor area, requiring patrons to move inside the premises.

Note 1: No amplified music is permitted in the outdoor seating area.

Note 2: Furniture must be packed up at the end of each trading day in a manner that does not disturb the peace of the surrounding neighbourhood. In particular, licensees must be aware that if they are trading after 11pm at night, particular care must be taken not to disturb the peace when they are packing their furniture away.

If the owner/licence holder of the business does not comply and develops a record of repeat offending, the council may impose restrictions on the operator including the licence being suspended or withdrawn and furniture being seized.

Members of the public or residents disturbed by noise from an outdoor seating area may contact Noise control at Auckland City Council on 379 2020.

3.11 Pedestrian access and safety

The licence holder has a responsibility to maintain clear access and a continuous clear-way for pedestrians, pushchairs, wheelchairs, and people with disabilities or impairments, such as impaired vision, at all times.

The minimum width of a pedestrian clear-way is 1.8m. The pedestrian clear-way must be retained free from obstructions for pedestrian movement, which means that some footpaths will be unsuitable for providing outdoor dining and/or drinking facilities.

Note: Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.1 'Location', 7.1.4.](#)

Refer to appendix 3 – figure 2

3.12 Health and Safety

The licence holder has a responsibility to:

- hold public liability insurance cover of \$1 million which will be reviewed annually
- comply with relevant occupational health and safety requirements such as maintaining accessibility and not introducing trip or fire hazards
- keep seating a minimum of 600mm from the kerb edge unless specifically agreed by an authorised Auckland City Council adviser, after consultation with the council traffic safety group.
- keep the area clean, tidy and free from litter including cigarette butts and ash at all times including removing all rubbish from the site
- have a current food premises registration

- maintain a 1.8m minimum pedestrian clear-way at all times

Section 4 Furniture quality, type and placement

4.1 Arrangement of the outdoor facilities

The licence holder has a responsibility to:

- ensure the outdoor area is set up within the demarcated area
- ensure that patrons can easily access the outdoor seating area
- ensure that the facilities are maintained by the premises
- ensure that no additional chairs are moved from the interior of the premises and placed in the outdoor seating area
- manage the outdoor seating area in such a way that, in the event of a fire or any other emergency situation the emergency services and patrons are not hindered from entering or exiting the premises.

4.2 Where can furniture be placed in the outdoor area?

Furniture such as seating, umbrellas, heaters, barriers, screens and other items should:

- not compromise public safety, accessibility and use of the public space
- be set out to leave a dedicated pedestrian clear-way of 1.8m minimum for pedestrian movement
- be contained within the demarcated Street trading licence area and not exceed the width of the frontage of the business premises*

Note 1: * Does not apply to shared space streets. In the case of shared space streets, placement of furniture will be subject to special conditions

Note 2: Footpaths in some parts of Auckland city will be unsuitable for outdoor seating.

4.3 What type of furniture (tables and chairs) is acceptable in the outdoor area?

You must make sure that your outdoor furniture:

- is durable and in good condition
- is appropriate for commercial use
- is appropriate for the site
- integrates well into the surrounding town centre environment
- is portable and is able to be removed from the footpath at the end of the days trading.

Refer to appendix 3 – figures 8 and 9. Figure 10 is an example of inappropriate furniture.

Note 1: It is strongly recommended that you discuss your proposal with the council's street trading team before applying for a Street trading licence and before purchasing items of furniture.

Note 2: Domestic style wooden picnic tables and benches and/or plastic garden furniture is generally not considered appropriate and will not be permitted.

Note 3: Refer to the Street trading policy: *the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.3 Furniture requirements](#) for more information.

4.4 What types of screens are acceptable in the outdoor area?

Drop down blinds may be allowed provided these:

- are used only to provide protection against weather
- remain up and fully retracted at all other times
- are well maintained
- constructed from quality materials and finishes that are durable and weatherproof
- are made from transparent material with an opaque contrasting edging and visibility markings at the required height (NZS 4121) and are visible to all pedestrians and persons with visual impairments
- fit within the context of the locality
- do not compromise public safety, accessibility and use of the public space
- enable good sight lines to be maintained to enable unrestricted access to the footpath
- are set-back from the kerb at a minimum of 600mm, except for on a corner, when the set-back should be 1.8m minimum for safe pedestrian movement around the edges of buildings
- do not cumulatively cover more than 50 per cent of the perimeter of the outdoor seating area (excluding the building frontage) at any one time.

Refer to appendix 3 – figures 12 and 13. Figure 14 is an example of inappropriate screening overly privatising the outdoor seating area.

Note: Where the drop down blind is fixed parallel to the kerb, a minimum 1.8m pedestrian clear-way must still be maintained.

Freestanding screens or planter boxes may be allowed to define the edges of the business premises. The requirements as for drop down blinds apply. Freestanding screens and planter boxes are allowed providing they:

- are portable and able to be removed from the footpath at the end of the days trading
- contain the street trading area
- are able to be maintained in an upright position without creating a trip hazard
- extend no higher than 1300mm above the ground level
- are set back a minimum of 1.8m from the street corner to enable clear and unobstructed access from the street to the footpath.

Refer to appendix 3 – figure 16. Figure 15 is an example of inappropriate placement of planter boxes on a corner adjacent to an outdoor seating area.

Note 1: In cases where drop down blinds or free standing screens are installed parallel to the kerb, frequent access points should be provided for pedestrian access into the premises or the footpath area adjacent to kerb-side parking.

Note 2: In the case of shared space streets, types of screens will be considered for their suitability at the time of application for a street trading licence.

4.5 Are planter boxes allowed in the outdoor area?

Planter boxes may be permitted where:

- they are portable and able to be removed from the street
- they are stored within the premises at all times outside of approved operating hours
- they do not compromise public safety, accessibility and use of the public space
- they do not obstruct visibility
- they do not compromise street cleaning
- they do not compromise safe pedestrian movement, especially on footpath/street corners
- they do not present a hazard to the visually impaired.

Refer to appendix 3 – figure 16. Figure 15 is an example of inappropriate use of planter boxes on a footpath/street corner.

Note: In the case of shared space streets, planter boxes will be considered for their suitability at the time of application for a street trading licence.

4.6 Can anchor fittings be attached to the footpath?

Pavement fixings for drop-down blinds must be of sufficient integrity to hold the blind in place in the long term. To fix any items on the footpath, the licence holder must:

- have Auckland City Council approval as the landowner
- obtain a road opening notice for the installation of new or additional footpath bolts
- comply with approved supplier standards
- provide evidence that the anchors will be installed by an approved contractor (refer note 1)
- ensure the anchor fittings are set flush with, or recessed into the paving so they are not a trip hazard.

Refer to appendix 3 – figure 11.

Note 1: Prior to installing the anchors, the approved contractor must check with the relevant utility service providers to avoid damaging underground services, which may be close to the surface. Auckland City Council supervision may be required during installation.

Note 2: A charge for supervision during installation will be levied.

Note 3: Anchor fittings already installed are exempt from these conditions. However, in the event of a complaint being lodged, such as an anchor fitting causing a trip hazard, the problem will need to be rectified in accordance with the above requirements.

Note 4: In the case of shared space streets, anchor fittings will be considered for their suitability at the time of application for a street trading licence.

4.7 Are umbrellas allowed in the outdoor area?

Umbrellas may be permitted where:

- there is no overhead verandah or the verandah provides inadequate shelter to patrons or customers
- the umbrella base is sturdy and does not present a trip hazard
- umbrella spread does not extend beyond the demarcated street trading area
- the edge of the umbrella hood is at least 2.2m above the level of the footpath.

Refer to appendix – figure 8

Note: In the case of shared space streets, umbrellas will be considered for their suitability at the time of application for a street trading licence.

4.8 Are heaters allowed in the outdoor area?

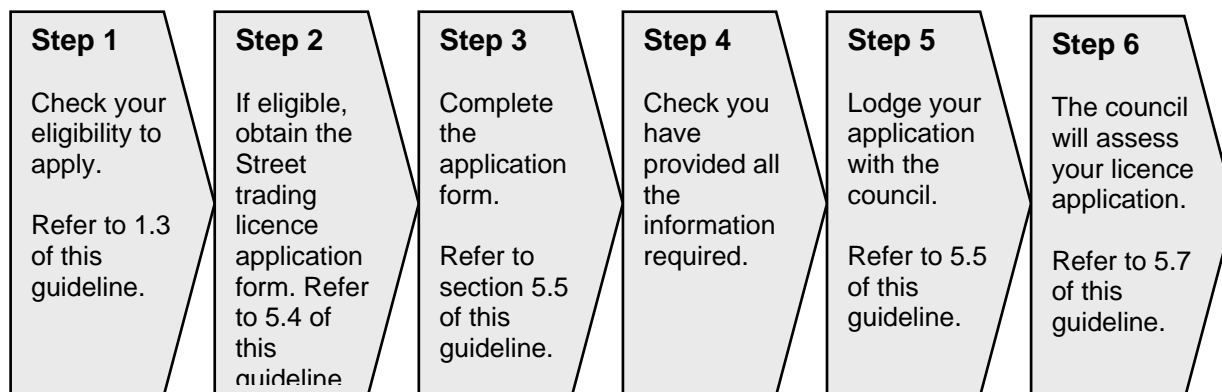
Yes, external gas and electric heaters may be permitted provided they:

- are mobile and have a suitably heavy and sturdy base to prevent tipping
- are located a minimum of 600mm from the kerb or within shared space streets as approved
- are contained within the area licensed for street trading
- are installed by a registered tradesperson in compliance with the manufacturer's specifications and New Zealand gas or electricity authority requirements. Refer to *Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises*, [Section 7.3 Furniture requirements, 7.3.10.](#)

Note: In the case of shared space streets, heaters will be considered for their suitability at the time of application for a street trading licence.

Section 5 Applying for the Street trading licence

5.1 A typical Street trading licensing application process



5.2 What to do before applying for a Street trading licence

What may be required	Description
Preparation	<ul style="list-style-type: none"> Check your eligibility to apply for a Street trading licence for outdoor dining and/or drinking. Refer to Section 5.3 of this guideline. Decide what you want to provide at your premises. Draw a plan of the layout you are proposing for your outdoor seating area.
Obtaining an application form	<p>You can obtain a Street trading licence application form by:</p> <ul style="list-style-type: none"> downloading the application form from the councils website: www.aucklandcity.govt.nz; or calling 09 379 2020 to request the application form collecting the application form from an Auckland City Council office.
Permission for related activities	<p>Liquor licence:</p> <ul style="list-style-type: none"> Liquor may only be consumed in areas subject to a licence granted under the Sale of Liquor Act 1989. Contact the council on 09 379 2020 for further information <p>Resource Consent: A resource consent may be required if outdoor seating is not provided for in the District Plan.</p> <ul style="list-style-type: none"> Check the relevant District Plan requirements; or Talk to a Duty Planner at the council about your proposal; or Contact the council's helpdesk on 09 379 2020

What may be required	Description
Terms and Conditions	These will be stated on the Street trading licence when issued. For examples of terms and conditions please see the Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks including those offered by a licensed premises, Appendix
Make sure you have read the other sections of this guideline document including what responsibilities are expected of the licence holder.	

Note: Refer to the [Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks](#), including those offered by a licensed premises before completing the application form.

5.3 What additional information will I need to provide ?

- a completed application form
- a plan of the site with details of measurements
- photographs which adequately describes the extent of the area immediately outside your premises that you wish to occupy
- diagrams / photos of the proposed area taken from several angles and capturing fixed structures such as trees, bus stops, street furniture, parking meters etc
- diagrams or photos of furniture and/or structures to be placed in the area. Refer to appendix 2 - site plan example.

Your site plan must:

- be presented on A4 or A3 size paper
- show a north point
- be presented preferably to scale or be labelled with measurements
- show the width of the building, the location of the building lines, the location of the kerb. If kerb-side dining is proposed, please clearly show the adjacent parking direction e.g. parallel or angle parking
- show the location of any entrances or access points, doors, street furniture, i.e. benches, bins, power poles, light poles, trees, street signs etc
- show measurements, such as: the width of the footpath to the building line, the length of the building frontage, the clearances of the seating layout to the kerb
- indicate the neighbouring side boundaries, the address and name of the neighbouring businesses and subject premises, indicate (diagrammatically) the position and the name of the nearest side streets
- accurately show the position of the outdoor area, including the measurements of the area and show the proposed position of the tables and chairs, umbrellas, heaters, screens etc

- show, at the bottom of the plan the total square metre area proposed for the outdoor dining and/or drinking activity including the total number of tables, chairs, umbrellas, heaters etc
- clearly show the distance (with measurements labelled) of your furniture and the edge of the adjacent property boundary, if your outdoor seating area adjoins the neighbouring property.
- provide evidence of public liability insurance (to the value of \$1million)
- demonstrate that your premises can cope with the increased number of patrons you are proposing to cater for, such as fridge storage space, toilet facilities and grease trap capacity and maintenance.

In addition you may be required to:

- provide proof of planning permission if your premises is located in the Isthmus
- provide detail of signage you wish to incorporate as part of your outdoor seating area
- provide details of drop down blinds and free standing screens you are proposing
- provide a toilet on your premises or ensure that your customers can access a public toilet during the hours that your business is open and be within 100m of your premises.

5.4 The Street trading licence application form

Use the street trading licence [application form](#) to apply to extend the service you provide at your restaurant, cafe or licensed premises into the public land immediately outside your premises. This is an application form only and does not automatically mean a licence will be issued. A non-refundable application fee is payable when you make your application.

5.5 How to complete the Street trading licence application form

Please read the Street trading licence terms and conditions in the appendix of [Auckland City Council Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks](#) including those offered by a licensed premises before applying for use of public land.

Indicate the type of licence you wish to apply for: new Street trading licence, renewal of existing Street trading licence, change of ownership / transfer, amendments to current Street trading licence.

Ensure that all fields have been filled out correctly and that all required information is provided as outlined in the application form information checklist.

Refer to the [Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks](#), including those offered by a licensed premises for guidance when completing this form.

Submit the completed form by mail or in person to the [contacts](#) provided.

5.6 What happens after lodging the Street trading licence application?

After your application has been received, an authorised officer – street trading will contact you to discuss your application and to make an appointment to visit your premises. You will be notified of any associated fees and charges at this time.

Once your application has been assessed and approved, a Street trading licence will be issued conditional upon full payment being received by the council.

For further information regarding the application please contact the council's street trading team: telephone: 379 2020, email: acstreettrading@aucklandcity.govt.nz or visit Auckland City Council's website: www.aucklandcity.govt.nz

5.7 What happens after your Street trading licence application is approved?

Once your Street trading licence has been issued, you will be contacted by an Auckland City Council adviser who will make an appointment to visit your premises to confirm that your outdoor seating area matches the proposal as outlined in your application.

Council's adviser will expect to:

- view your Street trading licence at the main entrance to your premises to confirm that the details and conditions outlined on your licence match the layout of your outdoor area
- have a brief discussion with the manager of your business
- take photos of the outdoor seating area for the council file
- provide you with advice and guidance on any matters of concern

5.8 What do I do with my Street trading licence?

The Street trading licence must be displayed at the main entrance to the premises.

Where the outdoor seating area is licensed to serve alcohol the holder of the licence for serving alcohol has a responsibility to display the Street trading licence at the main entrance to the premises, next to the liquor licence.

Section 6 Suspension, compliance and complaints

6.1 Can the council stop me from trading in the footpath area?

Yes, the council may at any time temporarily suspend your licence because of a road closure for emergency maintenance works, or for permitted events/protests or other permitted use of public space. If the suspension is for an extended period of time, a partial refund will be paid.

Your licence can also be suspended or cancelled if you do not comply with the conditions of your licence as noted in Section 6.2 of this guide.

6.2 What happens if I do not comply with my Street trading licence conditions?

It is your responsibility to comply with the conditions of your Street trading licence.

The council authorised officer – street trading, will assess your business premises and outdoor seating area during the inspection visit to check that you are complying with the terms and conditions of your Street trading licence.

If it is considered that you are not complying with the conditions of your licence, the council authorised officer – street trading will provide you with a field notice recording details of the visit made to your premises and advise you of any issues of concern.

If any issues are identified a notice may be served on you, requiring you to sort out these matters. Any serious issues will need to be sorted out immediately. You must follow the instructions of the council authorised officer – street trading at all times. If the matter cannot be rectified immediately, you will be asked to do so within the period decided by the council enforcement officer.

Failure to comply with the instructions of the council adviser may result in your Street trading licence being suspended or cancelled and/or items of furniture being seized.

Note: If you wish to have the items of seized furniture returned, you will be required to pay a fee for this.

6.3 What can I do if I am unhappy with a street trading activity or with a decision made by an authorised officer?

For queries, clarifications or if you wish to make a complaint about the way that the public space is being used, you can write to the council.

If the council has cancelled or suspended your Street trading licence you may appeal this in writing, stating the grounds on which the appeal is being made including any other matters you wish to have considered.

Your letter should be addressed to the Group Manager, Auckland City Environments and can be emailed to acstreettrading@aucklandcity.govt.nz or posted to:

The Group Manager
Auckland City Environments
Private Bag 92516
Wellesley Street
Auckland 1141

Section 7 Exception–Demarcation of areas for controlling queues

Demarcation of an area for the purpose of controlling queues at venues that are not providing outdoor dining facilities for the consumption of food and/or drinks is an exception to the policy.

On occasion, a licence may be granted on a case-by-case basis to allow a rope cordon to be placed on the pavement for the purpose of controlling or managing waiting patrons queuing at entertainment venues such as clubs.

A Street trading licence application must be completed. This licence will incur the same application fee and licence fee at the same per square metre rate as for the use of public space for the provision of outdoor dining and/or drinking facilities.

Section 8 Contacts for assistance

8.1 How to get in touch

By email: acestreettrading@aucklandcity.govt.nz

By phone: Call us on 379 2020, 24 hours a day, seven days a week, to talk to an authorised council officer- street trading

By post to: Auckland City Council, Environmental Health and Licensing – Street trading, Private Bag 92 516, Wellesley Street, Auckland 1141

Section 9 Additional resources

9.1 Relevant legislation and regulations

[Local Government Act 2002](#)

[Public Places Bylaw 2008](#)

[Signs Bylaw 2007](#)

[Health and Safety in Employment Act 1992](#)

[Smokefree Environments Amendment Act 2003](#)

[Auckland City Council District Plan Central area, Isthmus and Hauraki Gulf Islands](#)

[Events strategy](#)

[Liquor licensing policy](#)

[Street performance policy](#)

[Resource consents](#)

Appendix 1 Definitions

Anchor fittings	a piece of hardware fitted flush with the surface of the footpath for the purpose anchoring / fixing / holding a drop blind in place to secure it in the wind
Applicant	the person who initiates obtaining a Street trading licence
Application fee	as a condition of issuing a street trading licence under the Public Places Bylaw 2008, the council may charge a fee to process the licence application the application fee is a non-refundable administration fee paid on submission of a street trading licence application
Approved	approved by the council or by any authorised committee or officer of the council
Approved contractor	contractors who are qualified and approved by council
Authorised officer	any person authorised to administer or enforce any aspect of a bylaw
Building code	the regulations made under section 400 of the Building Act 2004
Bylaw	an Auckland City Council bylaw
Central area	that part of the inner city bounded by the Waitemata Harbour and by the motorway network, Stanley Street in Parnell and the waterfront as illustrated by figure 16.4 of the Auckland City District Plan - Central Area Section operative 2004
Code compliance certificate	a certificate issued by a building consent authority under section 95 of the Building Act 2004
Conditions / Terms and conditions	in relation to Street trading licences; includes terms, standards, restrictions, responsibilities and prohibitions
Council	the Auckland City Council or any committee, community board or elected member of the council or officer authorised to exercise the authority of the council
Council approved markers	a metal disc installed or fixed to the footpath at the corners of the agreed marked out square metre outdoor seating area
Demarcation area / demarcated area	the outdoor seating area as approved in the Street trading licence
District	the district of the Auckland City Council
District Licensing Authority	in relation to any district, means the local authority for that district constituted as the District Licensing Agency by section 99 of the Sale of Liquor Act 1989

District Plan	(a) an operative plan approved by a territorial authority under Schedule 1 of the Resource Management Act 1991; and (b) includes all operative changes to the District Plan (whether arising from a review or otherwise)
Drop down blinds	clear blinds that are fitted to the underside of a verandah or soffit to provide protection against weather conditions such as rain or wind
Enforcement Officer	means a person appointed by the council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002 and any council bylaw
Food premises registration / Certificate of registration	a certificate of registration as required by the Health (Registration of Premises) Regulations 1966
Footpath	a path principally designed for, and used by, pedestrians
Free standing screens	a low self supporting screen that can be used to provide separation between the outdoor seating area and the public space
Frontage of premises	the footpath area immediately in front of your business premises.
Ground level	the actual level of the finished ground
Kerb-side	providing for outdoor seating near the kerb and not immediately in front of the restaurant, café, bar or tavern premises
Licence	a licence issued under a bylaw
Licence fee	as a condition of issuing a street trading licence under the Public Places Bylaw 2008, the council may charge a fee in the nature of rental for the public space to be occupied by a street trading activity. This is an annual fee in respect of a licence or approval issued under the bylaw.
Licensee	the holder or holders of a licence or permit issued under a bylaw
Licensed premises	any premises, or any part of any premises, on which liquor may be sold pursuant to a licence; and includes any conveyance, or any part of any conveyance, in which liquor may be sold pursuant to a licence
Non-compliance	includes failure to comply with; the provisions of the Public Places Bylaw 2008- the Street trading policy: <i>the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises</i> or the terms and conditions of a licence
NZS	a standard approved or adopted by the Standards Council of New Zealand to be a New Zealand Standard pursuant to the provisions of the Standards Act 1988
Outdoor seating area	the area of public space / footpath which a restaurant, café, bar or tavern uses to provide its patrons with an outdoor area in which to consume food and/or drinks

Pedestrian clear-way	applies to a public area which: (a) has a minimum width of 1.8m; (b) is unobstructed and clear of any structures or street furniture
Public liability insurance	insurance to cover your legal liability (including costs and expenses) if someone else's property is damaged, or if the general public are injured by you, one of your employees, or a product you supply or service. Any individual, group, organisation or business owner can obtain public liability insurance through an insurance company
Public space / Public place	any land or structure owned, managed, maintained or controlled by the council that is intended for use by the public (e.g. roads, footpaths and public squares, grass verges, berms, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshores and dunes, access ways, recreational grounds and sports fields) but does not include any area, building or structure used or intended primarily for business or commercial purposes (e.g. council offices, libraries, zoo, car park buildings)
Registered tradesperson	A tradesperson is a skilled manual worker in a particular trade or craft. A registered tradesperson is registered with a professional organisation in accordance with the regulations of the tradespersons particular trade or craft
Resource consent	has the meaning set out in section 87 of the Resource Management Act 1991 and issued either by the Auckland City Council or by the Auckland Regional Council; and includes all conditions to which the consent is subject
Sandwich board	any portable sign that is placed on a public place advertising a business or goods, services or an event meeting the requirements of the Signs Bylaw 2007
Street Trading	<p>the commercial use of any public place under the control of council. It includes the selling, displaying or promotion of any goods and services whatsoever, whether for commercial or not-for-profit purposes, in, on, or over a public place. Street trading includes the display of any message as part of a trading activity. Street trading does not mean an activity that consists entirely of the display or deployment of signs as defined in the Signs Bylaw 2007. Street trading applies to permanent and mobile traders and includes but is not limited to the following activities in or on a public place under the control of council:</p> <ol style="list-style-type: none"> a. the sale, display or dispensing of goods, including food, drink, newspapers, fuel and lubricant; b. the provision of commercial services on a public place including shoe shining services; taking photographs, and the hire of recreational equipment; c. the provision of outdoor dining facilities for the consumption of food and drinks, including those offered by a licensed premises; d. craft markets, street markets and street stalls selling, displaying or dispensing goods; e. the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment;

f. the soliciting or collection of any subscription or donation

Restaurant, Cafes and Other Eating Places

any land and/or building on or in which food is sold to the public generally for consumption on the premises, and may include premises licensed under the Sale of Liquor Act 1989

part of the trade of the premises may be derived from the sale of food for consumption off the premises

Shared space street

areas within the CBD, includes a level paving surface across the full width of the street and removing the traditional distinction between the footpath and road. This provides more space for people, outdoor seating areas and street furniture, helping to create an enjoyable space for people to spend time in

Scheduled item

an item provided for in the District Plan as a scheduled archaeological feature; scheduled building, object, heritage property or place of special value; scheduled Maori heritage site; scheduled geological feature; scheduled tree; or any other item protected for reasons of significant natural, cultural or built heritage including any item scheduled by the NZ Historic Places Trust

Street verandah

a verandah, portico, balcony or awning over a public place or within 5m of a public place

Terms and conditions / Conditions

in relation to Street trading licences; includes terms, standards, restrictions, responsibilities and prohibitions

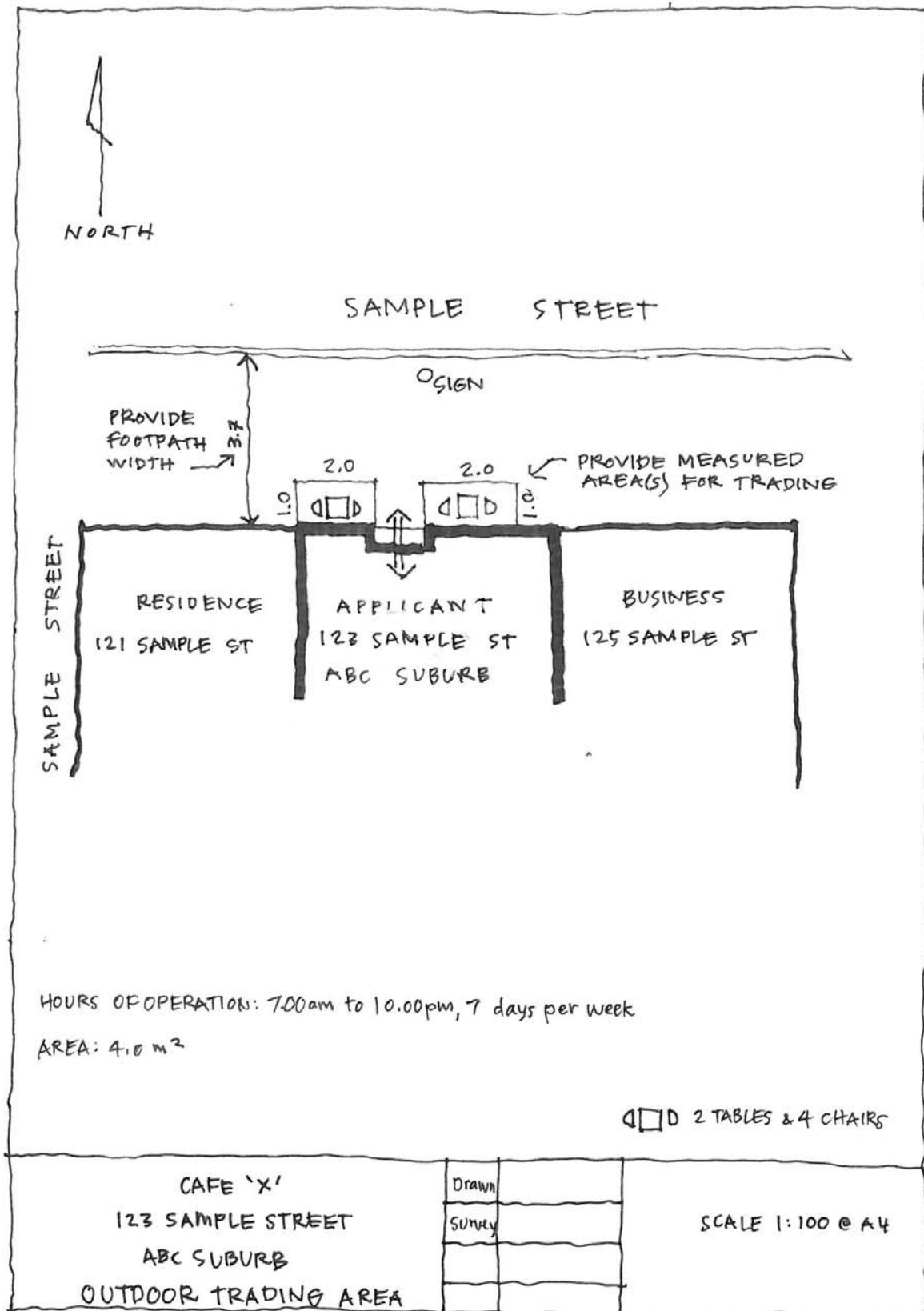
Utility

any power pole, rubbish bin, telephone box, planter box, letterbox, seat, parking meter, bus shelter or other structure or infrastructure installed by or with the approval of the council in a public place

Utility service providers

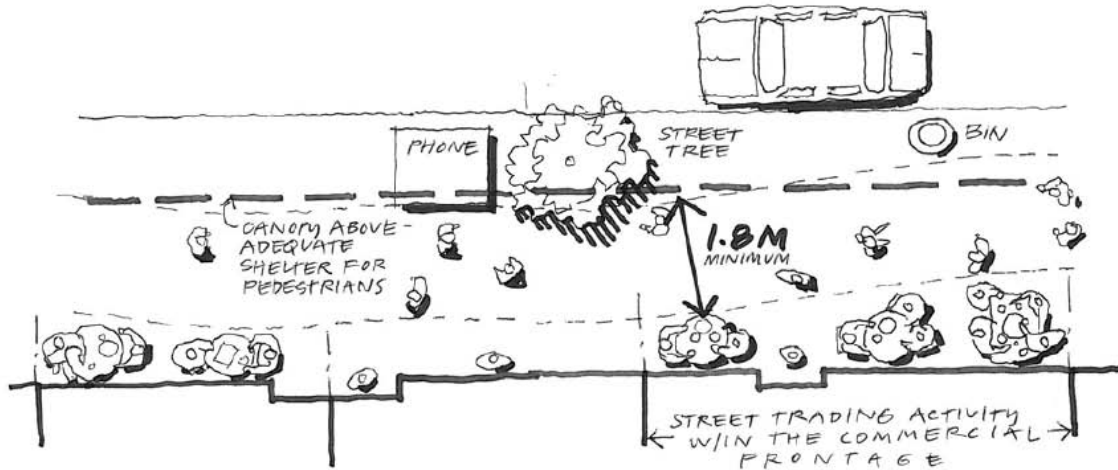
service people who install utility or infrastructure components

Appendix 2 Site plan example



Appendix 3 Sketches

Figure 1



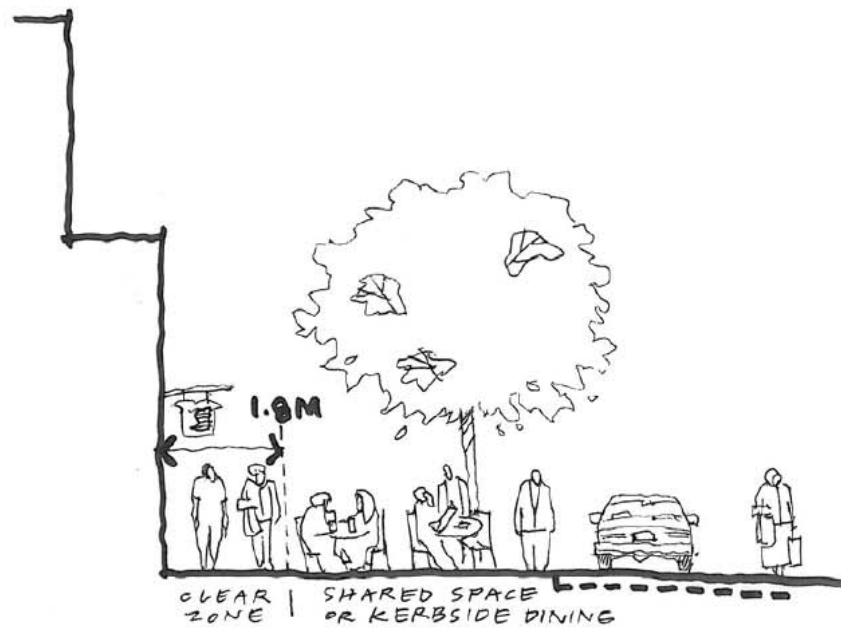
Plan showing application of 1.8m unobstructed area for pedestrian clear-way.

Figure 2



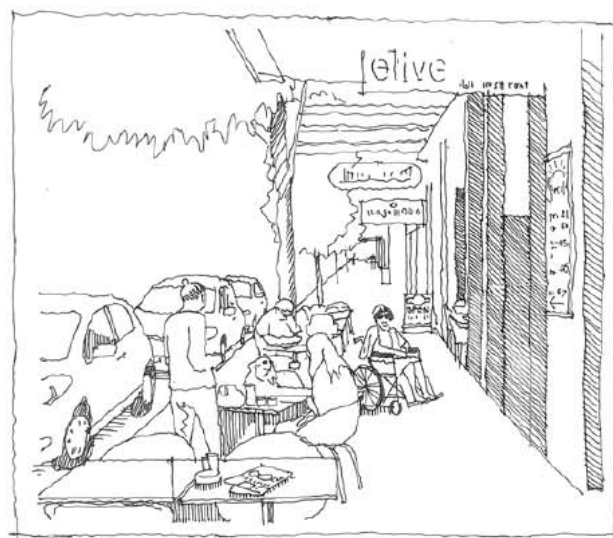
Section and sketches showing minimum 1.8m unobstructed area, allowing for safe comfortable walking/passing of pedestrians, wheelchairs and pushchairs/strollers

Figure 3



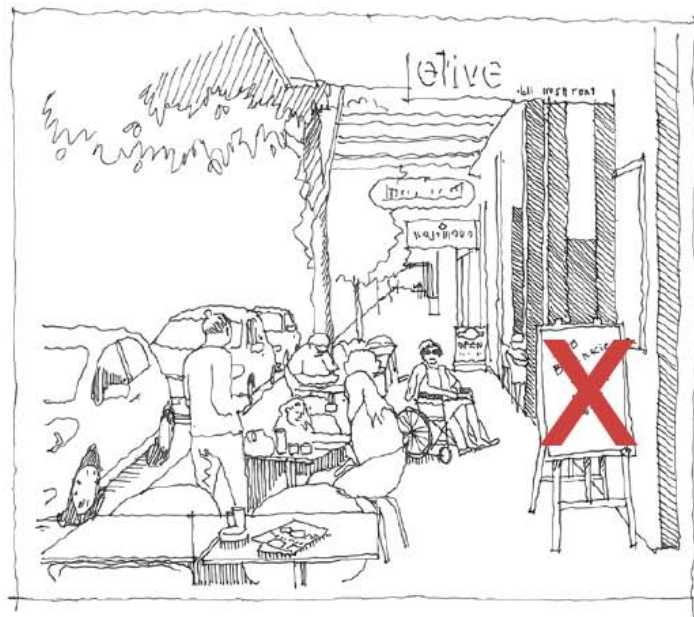
Section showing application of 1.8m unobstructed area where outdoor dining/and or drinking area is on the kerb side or in shared space streets

Figure 4



Sketch showing kerb-side or shared space street outdoor seating area. A minimum of 1.8m unobstructed clear-way must be provided for pedestrian, wheelchair and pushchair movement and appropriate signage placed on wall of restaurant, instead of sandwich boards on footpath/street.

Figure 5



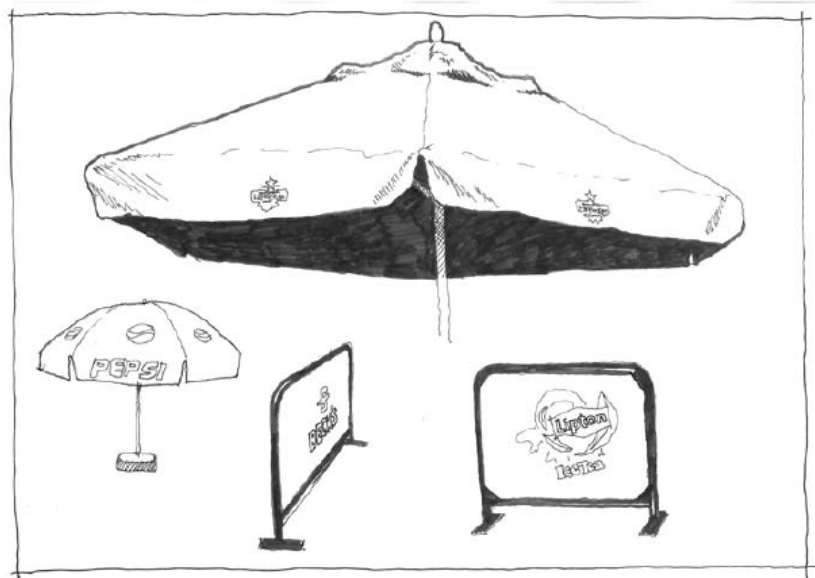
Sketch showing example of inappropriate placement of signage. Sandwich board signage is an unnecessary obstruction and is not permitted where the outdoor dining/and or drinking area is provided on the kerb side or in shared space streets. A minimum of 1.8m unobstructed clear-way must be provided for pedestrian, wheelchair and pushchair movement.

Figure 6



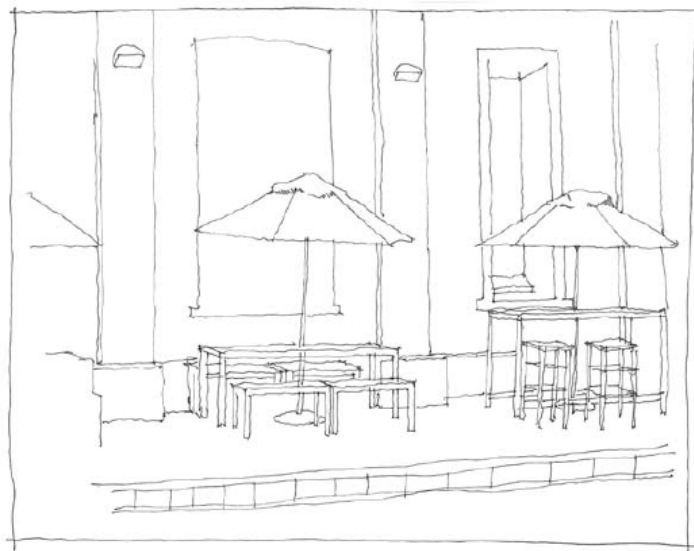
Sketch showing example of inappropriate placement of sandwich boards and signage. Sandwich board signage is an unnecessary obstruction and is not permitted where the outdoor dining/and or drinking area is provided on the same side as the business. A minimum of 1.8m unobstructed clear-way must be provided for pedestrian, wheelchair and pushchair movement. Drop down blinds must remain clear. Advertising is not permitted on the clear portion of the drop down blind.

Figure 7



Sketch showing example of permitted advertising. Advertising on stand alone screens and umbrellas must relate to products on sale within the premises.

Figure 8



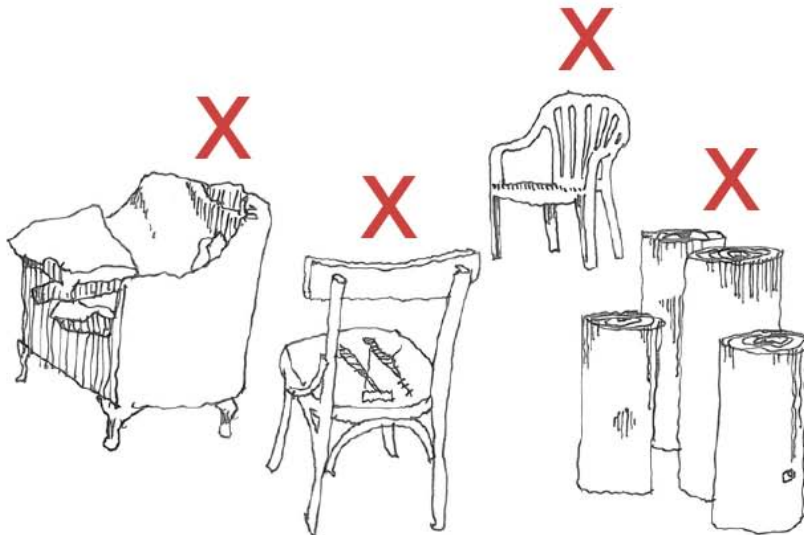
Sketch showing example of appropriate seating, umbrellas and outdoor seating arrangement.

Figure 9



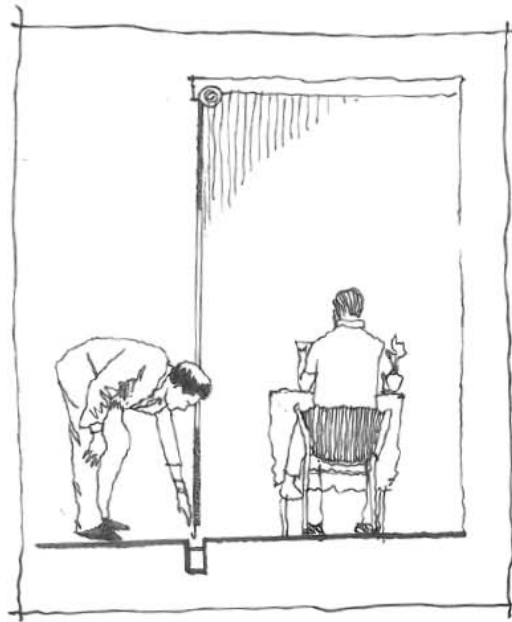
Sketch showing examples of appropriate furniture for use in commercial outdoor seating areas.

Figure 10



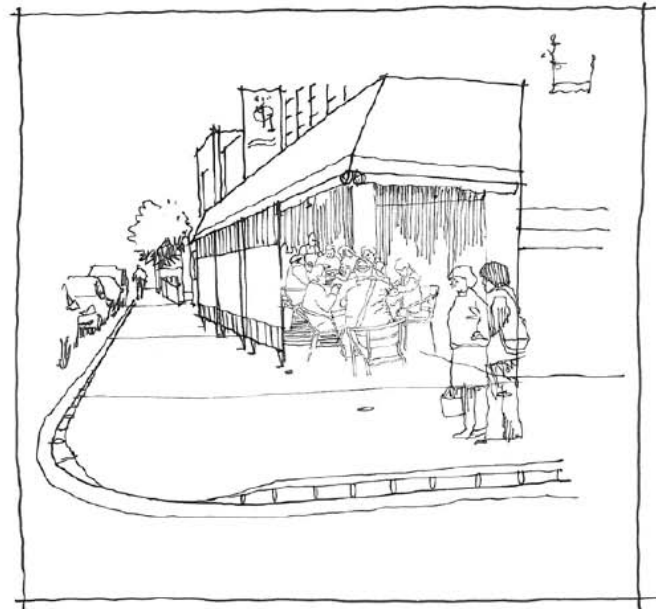
Sketch showing examples of inappropriate domestic furniture for use in outdoor seating areas.

Figure 11



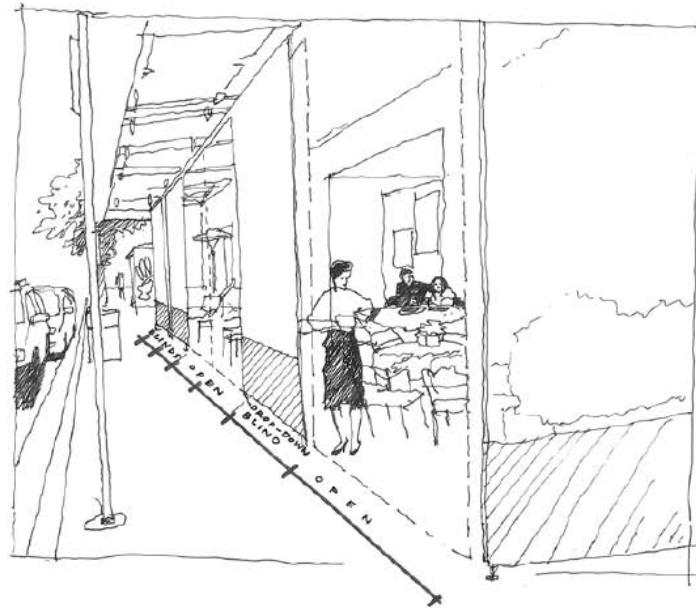
Sketch showing adequate set-back from corner of kerb (free from obstructions) to a minimum of 1.8m, enabling safe pedestrian movement around the edge of the building on the footpath/street. Drop down blinds are rolled up and do not overly privatise the outdoor seating space.

Figure 12



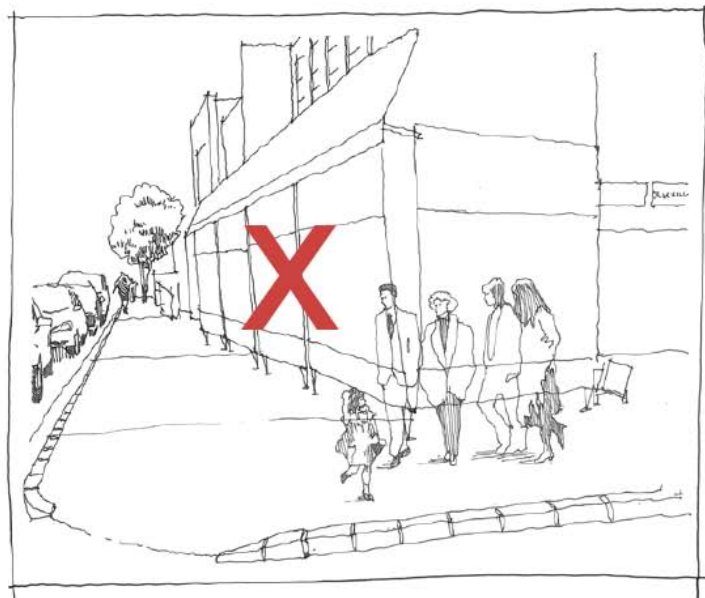
Sketch showing example of appropriate corner access (visual and physical). Drop down blinds are rolled up and do not overly privatise the outdoor seating space. Seating is set back from the corner and kerb to a minimum of 1.8m, enabling safe pedestrian movement around the edge of the building and on the footpath.

Figure 13



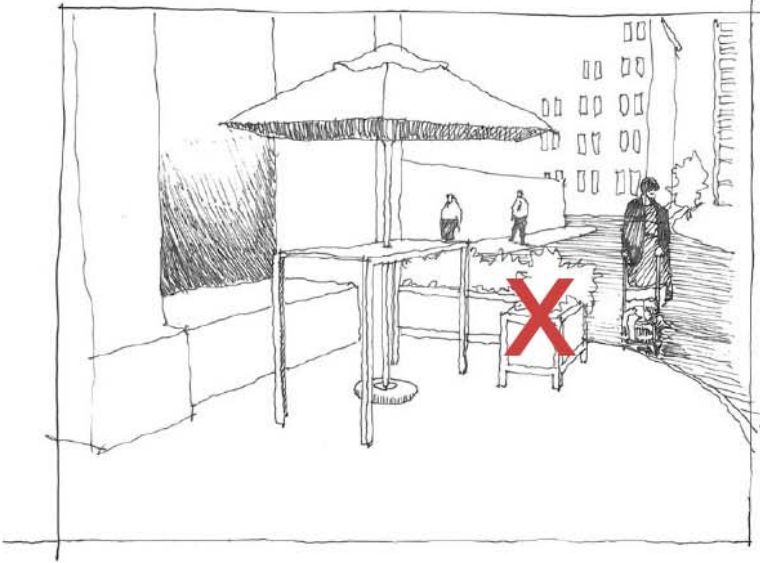
Sketch showing example of appropriate enclosure allowed with drop down blinds – no more than 50 per cent of the perimeter of the outdoor seating area should be covered, (to avoid overly privatising the space). Drop down blinds should only be used when protection against weather effects is necessary.

Figure 14



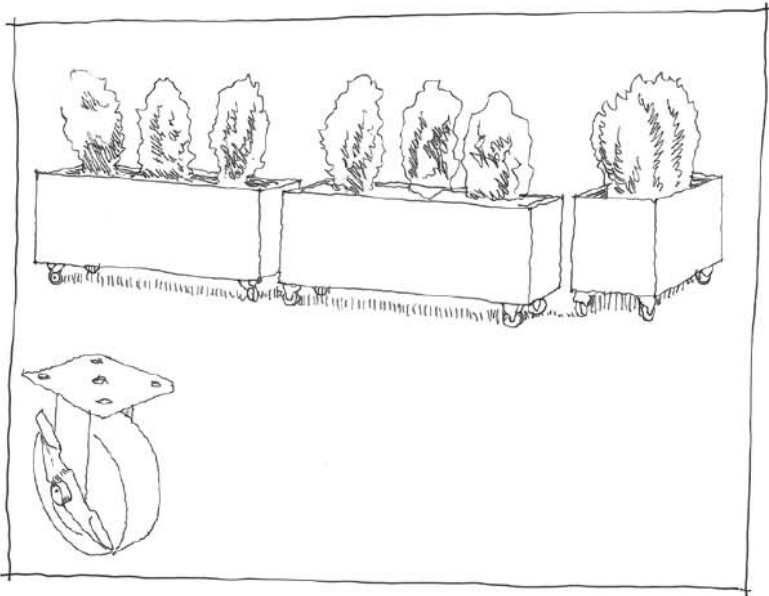
Sketch showing example of inappropriate use of drop down blinds covering more than more than 50 per cent of the perimeter of the outdoor seating area over privatising the space.

Figure 15

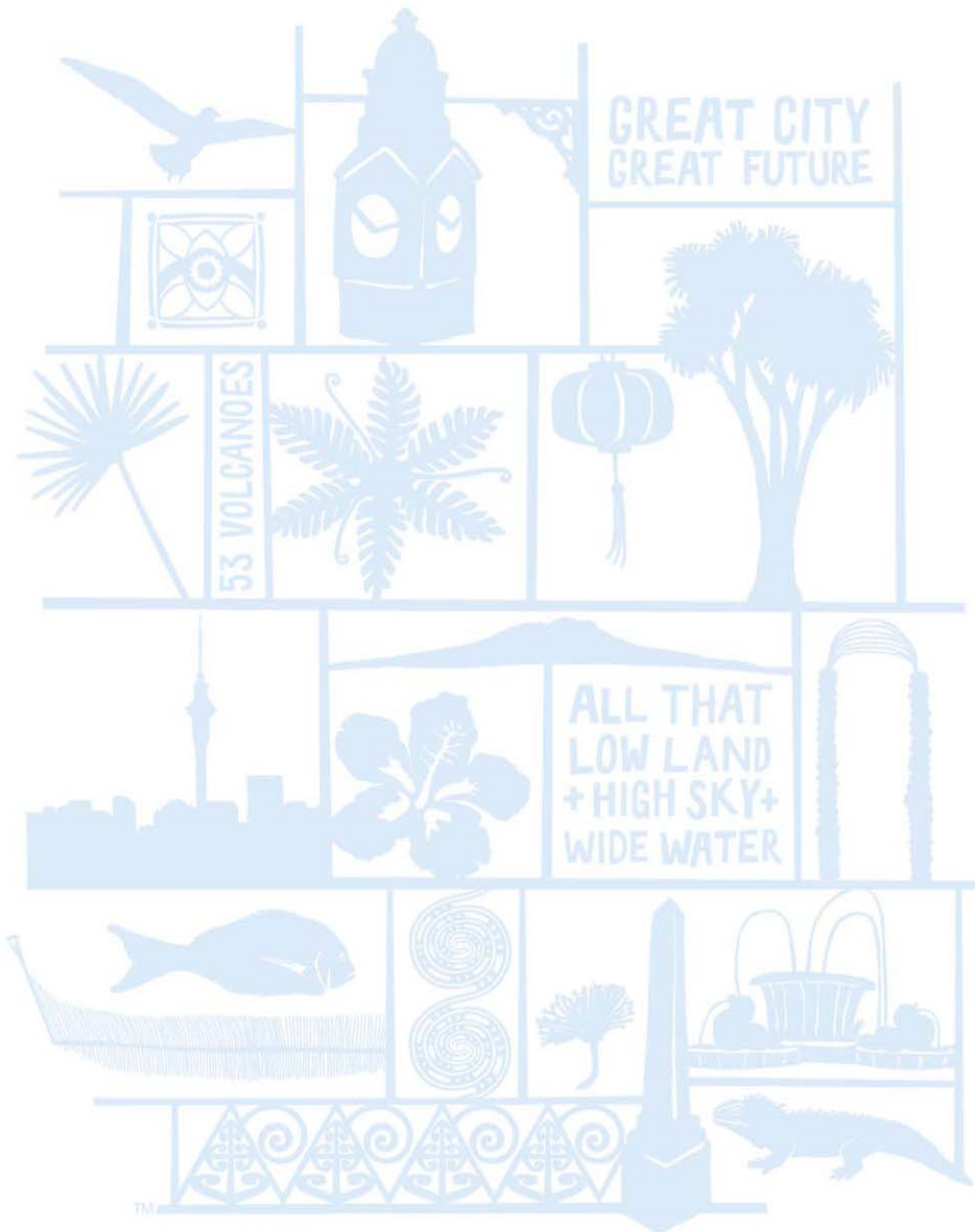


Sketch showing example of inappropriate placement of planter boxes on corner of footpath/street, to define edge of outdoor seating area. Planters must be set-back from the corner and kerb edge to provide a 1.8m minimum pedestrian clear-way.

Figure 16



Sketch showing example of appropriate movable planter boxes with lockable wheels.



Find out more: phone 09 379 2020
 or visit www.aucklandcity.govt.nz

