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## **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**

**September 2009**

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## Auckland City Council contacts

Licensing:  
Auckland City Environments group  
Ph 379 2020

Policy:  
Arts, Community and Recreation Policy group  
Ph 379 2020

## 1.0 Background

Auckland City Council's Public Places Bylaw came into effect on 28 July 2008. The bylaw states that anyone wishing to trade in public places requires a street trading licence. The bylaw defines street trading as the commercial use of any public place under the management of council, including parks and reserves.

Street trading applies to permanent and mobile traders and includes the following activities that take place in or on a public place:

- *the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises*
- *the sale, display or dispensing of goods, including food and drink*
- *the provision of commercial services on a public place*
- *craft markets, street markets and street stalls selling, displaying or dispensing goods*
- *the giving away of goods on a public place, including newspapers and magazines, to advertise any product, service or entertainment*
- *the soliciting or collection of any subscription or donation.*

Auckland City Council has developed a series of three street trading policies based on the six activities outlined above. The policies aim to support the enforcement of the Public Places Bylaw (2008), as well as improve transparency around decision-making relating to street trading activities.

The policies are:

- *Street trading policy: the provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises*
- *Street trading policy: the giving away of goods to advertise any product, service or entertainment and the soliciting or collection of any subscription or donation on a public place*
- *Street trading policy: the sale, display or dispensing of goods, the provision of commercial services, including craft or street markets and stalls on a public place*

## 2.0 Activities covered by this policy

The activity that this street trading policy specifically deals with is, as defined by the Public Places Bylaw (2008), *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. This includes the consumption of food and/or drinks, as well the consumption of drinks alone.

Furniture such as seating, tables, umbrellas, planters, heaters, drop-down blinds, canopies or awnings, free standing screens are included as part of the above activity.

*Note 1:* Reference to 'licensed premises' in this definition and used throughout the policy refers to premises holding a liquor licence.

*Note 2:* Guidance is provided in separate policies for the related street trading policies: *the giving away of goods* and *the sale, display or dispensing of goods* above. The full explanation of these street trading activities can be found in the Public Places Bylaw (2008).

### 3.0 Purpose

This non-statutory document supports the enforcement of the Public Places Bylaw (2008). The policy aims to improve transparency around decision making by providing simple and easy to understand guidance for commercial operators wanting to provide *for outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises in a public place* owned or managed by Auckland City Council – such as footpaths, streets and squares.

The policy aims to enable street trading activity to be established in public places adjacent to a premises used for the same purpose (such as a café or restaurant). The activity should be provided for inside a marked street trading area (refer to section 7.1.9), and furniture appropriate to the street trading activity should be provided. The activity should enable pedestrian flow, street amenity, urban character, heritage, health and safety, and management of the street environment to be maintained.

In addition, the policy provides guidance against which the council will consider applications for street trading licences and against which the activity will be monitored.

## 4.0 Context

Auckland City Council supports the potential benefits street trading offers in providing interest and distinctiveness to the public environment, improving pedestrian safety through passive surveillance, assisting with increasing customer and retail activity and thereby strengthening the economic success of town centres.

This street trading policy supports the goals of council's open space framework *'Our Collective Taonga: Places for people, places for nature'* by seeking to enliven the interconnected system of streets, trees and parks as places where communities come together to celebrate Auckland's unique identity and cultural heritage, while fostering a sense of belonging to the city.

In addition, the policy supports the council's urban design framework and objectives, in promoting a *"a vibrant retail offering and dining experience that reflects the diversity of people in the city centre, and its status as the heart of Auckland"* and creating *"places and spaces that create synergies, generate vibrancy, and support the exchange of ideas."*<sup>1</sup>

At a strategic level, the policy is aligned with council's future vision for Auckland as 'First City of the Pacific' and the seven strategies that provide direction for achieving the vision. These are:

- Transport choices
- Quality natural environment
- Lifestyle choices
- Quality urban environments
- Strong communities
- Economic opportunities
- Efficient, capable and user friendly council

Best practice examples from cities within the Auckland region, as well as nationally and internationally have been drawn on in the development of the policy.

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<sup>1</sup> Auckland City Council - City Centre Urban Design Framework  
Street trading policy: the provision of outdoor dining facilities  
ACRS-7013-09/09

## 5.0 Key outcomes

The key outcomes sought by the *street trading policy: provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises facilities* are:

- improving transparency of council decision-making regarding the issuing of street trading licences
- providing clear and consistent guidance for commercial operators wishing to provide outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises on the street
- maintaining a quality street environment and urban character
- ensuring pedestrian and legitimate street user access isn't compromised
- providing an environment conducive to creating a vibrant city

## 6.0 Relationship to other plans, policies and controls

Whilst there are a number of other documents related to the street trading activity covered by this policy they are outside the scope of this policy and should be considered separately. They include:

### **Health and Safety in Employment Act 1992**

This Act applies to all New Zealand workplaces and places duties on employers, the self-employed, employees, principals and others who are in a position to manage or control hazards and aims to promote the prevention of harm to all people at work, and others in, or in the vicinity of, places of work. Section 16(1)(a) in particular requires that persons who control places of work must take all practicable steps to ensure that no hazard that arises in the place of work harms people in the vicinity, including the public who are there solely for the purpose of recreation or leisure.

### **Smokefree Environments Amendment Act 2003**

Areas providing for the consumption of food and/or drinks, including those offered by a licensed premises, which act as outdoor smoking areas for adjoining premises, must meet all requirements of the Smokefree Environments Amendment Act 2003.

### **Noise**

Street trading activities should not generate noise levels that would be termed unreasonable. The statutory requirements relating to noise control apply, and are set out in s16 and s326 of the Resource Management Act.

### **Signs Bylaw 2007**

Street banners, or other activities not physically located on the street, along with management of signs associated with street trading activities, should refer to the signs bylaw.

### **Auckland City Council District Plan Central area, Isthmus and Hauraki Gulf Island**

This policy should be read in conjunction with Auckland City Council's District Plan to determine the permissibility of the activity proposed and is subject to the requirements for any resource consent. Detail of these requirements are not included in this policy- refer to the District Plans.

### **Liquor licensing policy**

Where a business that provides for the activity that is covered in this policy also has a liquor licence under the Sale of Liquor Act 1989, Auckland City Council's Liquor licensing policy<sup>2</sup> will also be relevant. The Liquor licensing policy works within the parameters of the Sale of Liquor Act to guide the council in its role as the District Licensing Agency. Liquor may only be consumed where the premises is licensed under the Sale of Liquor Act. This liquor licence will be subject to the conditions outlined in the Liquor licensing policy

### **Street performance policy and events policy**

Street performance and events are subject to separate provisions and guided by the street performance and events policies.

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<sup>2</sup> Auckland City Council is currently developing a Liquor licensing policy. The draft Liquor licensing policy will be released for consultation in September 2009

## 7.0 Key components of the policy

The policy consists of the following key components:

- Location
- Street amenity
- Urban character and heritage
- Street trading licences
- Health and safety
- Management of street trading activities

### 7.1 Location

7.1.1 Provision of activities covered by this policy will be provided for and encouraged as appropriate, in locations where they provide a public benefit and enhance the vibrancy of the area.

7.1.2 Specifically, provision of activities covered by this policy will be:

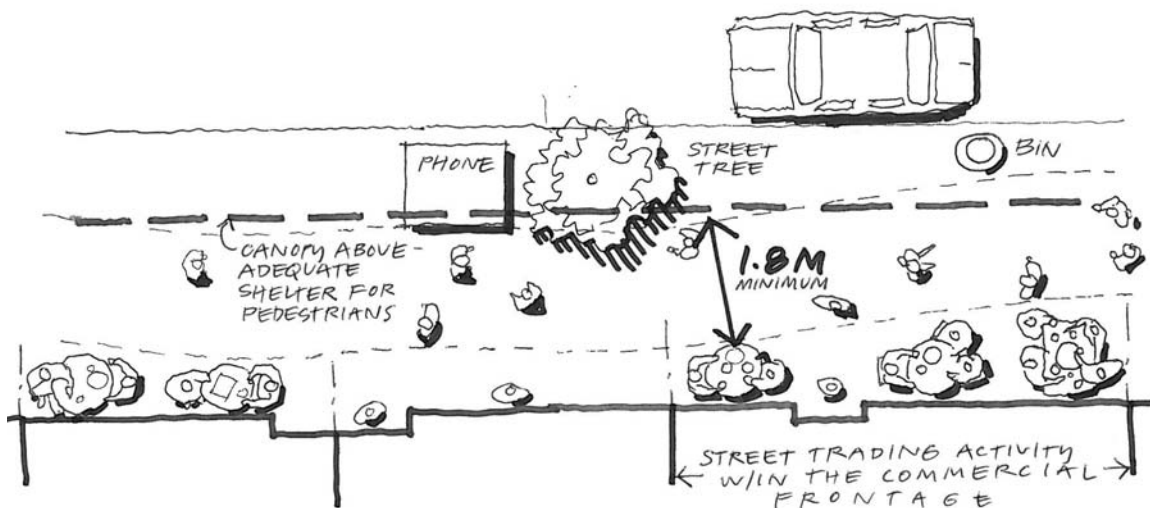
- provided for in business zones and the Central Area Planning overlay map as defined by the District Plan
- provided for in specified public areas in the CBD such as the Viaduct, Aotea Square and St Patricks Square. Special conditions may apply
- provided for in shared space streets and environs such as Lorne, Fort, Elliott and O'Connell Streets
- provided for in all town centres including Parnell Road, Kingsland village, Mt Eden village, Ponsonby Road and Mission Bay
- provided for in residential zones if the activity is permitted in the District Plan or by resource consent
- restricted in open space and other zones as defined in the District Plan or by resource consent

7.1.3 Activities covered by this policy will generally be permitted where the activity:

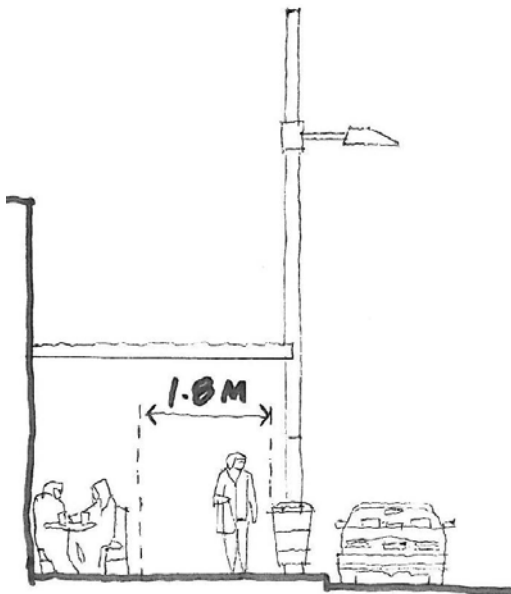
- promotes safety for users, pedestrians, vehicles or other legitimate activities
- provides for pedestrian flow on footpaths in general and provides direct access e.g. to seating, rubbish bins, phone boxes
- enables unobstructed and safe vehicle and pedestrian access to adjoining premises
- allows adjoining premises to operate lawfully and effectively

- supports the ability to “window shop”
- retains trade and emergency access for infrastructure and utilities service and maintenance e.g. rubbish collection
- retains access to adjoining on-street parking areas, loading bays, taxi ranks and bus stops
- provides unobstructed access to street furniture and features, including tree pits
- minimises privatisation of public space
- minimises noise nuisance

**Plan - showing application of 1.8m unobstructed area**



**Section - showing application of 1.8m unobstructed area**



7.1.4 Subject to 7.1.3 above, operators of private premises in business zones will generally be permitted to use the footpath area immediately in front of their premises provided that an area of the width listed below is retained free of all obstacles (including seats, signs and trees) to provide for adequate pedestrian flow:

- Queen St retail area – 3m except for between Wellesley St North and Customs St, which must remain exclusively available for pedestrian flow with no opportunity for street trading
- Across the isthmus – 1.8m<sup>3</sup>.

7.1.5 In areas such as Queen Street, Broadway-Newmarket where the provision of these activities is not optimum, the activity should be encouraged in surrounding lanes and streets.

7.1.6 Activities covered by this policy will be considered on a case by case basis where the regular footpath changes in dimension to extend out into the roadway to allow for parking areas or acts as a traffic calming measure (known as kerb blister), providing public pedestrian safety and vehicle visibility can be ensured.

7.1.7 Applications to use the street environment in front of, but not adjoining the business premises i.e. kerbside will be considered by officers on a case-by-case basis. In particular, such uses must be located in a manner which prevents hazard by:

- enabling pedestrians to pass through the area safely and easily
- enabling unobstructed access for pedestrians over the kerb from parked vehicles or crossing the street onto the footpath
- protecting patrons from opening car doors
- protecting patrons from toppling off chairs over the kerb
- safe staff movement through high volume pedestrian areas to serve patrons

7.1.8 Within shared space streets and areas, such as is proposed for Elliott Street, Fort Street and parts of Lorne Street, activities should be set back a minimum of 1.8m from the building

<sup>3</sup> NZS 4121:2001-Design for access and mobility: Buildings and associated facilities: 13.1.1 Accessways

Note: minimum standard acceptable for pedestrian flowpath by international standards, allows two pushchairs to pass side by side)

line. This set back area should remain completely unobstructed and free of all furniture. Shared spaces should enable the mobility and visually impaired to use the building line for navigation through the space. Activities set back from the building line should provide a buffer between the unobstructed 1.8m area and the area available to vehicles.

Applications to locate activities adjacent to the building line within shared space streets and areas will be considered as an exception on a case-by-case basis.

### Section - application of 1.8m unobstructed area in shared space streets



- 7.1.9 A minimum of 600mm offset from the kerb will generally be sought to ensure these objectives are achieved and an agreed easy clear, unobstructed pedestrian route with a minimum width of 1.8m. The pedestrian flow path will remain free from sandwich boards or other possible encumbrances between the building frontage and the inside edge of the trading area. This is particularly important for the visually or mobility impaired or in shared space areas.
- 7.1.10 Provision for activities covered by this policy may only occur within the area approved by council. In order to facilitate compliance, the boundary of each permitted street trading area will be demarcated with council approved markers installed at the time of issuing the street trading licence by council or an approved contractor.
- 7.1.11 Items placed on the edge of the street trading area will need to be laid out in a manner which best achieves the policy's intent and in particular in a manner which ensures pedestrian movement around the trading area is not compromised.

## **7.2 Enhancing street amenity**

- 7.2.1 Activities covered by this policy should provide an enhanced pedestrian experience through the creation of an attractive and inviting environment for patrons, and complement other street activities without compromising the appearance and amenity of the public environment as well as minimising the sense of privatisation of the public space.
- 7.2.2 Operators of the premises are to ensure all aspects of the operation are clean, in good order, safe, secure and well presented.
- 7.2.3 Good sight lines across into the street should be maintained. Privatisation of the public space should be kept to a minimum, particularly the use of drop-down blinds, screens, barriers planters, bollards, or ropes which run along the edge of, or are parallel to, the kerb.
- 7.2.4 All items of furniture associated with the activity are to be contained within the space covered by the street trading licence. They should be well maintained be of a high standard, constructed from quality materials and finishes that are attractive and durable and weatherproof in local conditions.
- 7.2.5 All items associated with the activity referred to in this policy should be portable and pose no hazard to users or the public.
- 7.2.6 Any edge defining elements should enable views/clear sightlines to be maintained and avoid overly enclosing the space.
- 7.2.7 Type, style and layout of street furniture should reflect the street trading activity and be appropriate for each site.
- 7.2.8 Favourable consideration will be given to well designed, sturdy, high quality items that are designed for commercial outdoor use that makes a positive contribution to the street environment, reduces visual clutter and integrates well into the surrounding city/townscape.

## **7.3 Furniture requirements**

- 7.3.1 Drop down blinds may be used for protection from inclement weather conditions, e.g. sun, rain and wind, and must remain up and fully retracted at all other times. These must be made from transparent material with an opaque contrasting edging and visibility markings at the required height (NZS 4121) so they are visible to all pedestrians and persons with visual impairment. Where the drop down blind is on the kerb side, there should be a minimum setback from the kerb of 600mm.
- 7.3.2 Pavement fixings for drop-down blinds must be of sufficient integrity to hold the blind in place in the long term. Any fixtures are to be flush with, or recessed into the paving so they are not a trip hazard. Fixtures must comply with approved supplier standards. Installation may only proceed with the approval of the landowner and may require onsite supervision or the use of an approved contractor to avoid hitting or damaging underground services, which may be quite close to the surface. If supervision is required, council will charge for this service.
- 7.3.3 Free standing screens may be considered between adjoining street trading areas to define the edges of the business and must be portable, supported by sturdy bases able to maintain the screen in an upright position without creating a trip hazard. Screens should extend no higher than 800mm to a maximum of 1300mm above the ground level and contain the street trading area.

- 7.3.4 Officers will consider applications to install drop-down blinds and freestanding screens on the perimeter of the street trading area, in the context of the locality. The use of blinds and screens which run parallel to the kerb and enclose public space are not generally supported.
- 7.3.5 Where the street trading area is associated with premises not covered by a liquor licence, planters, drop-down blinds and free standing screens must not cumulatively cover more than 50% of the perimeter of the street environment (excluding the building frontage) at any one time<sup>4</sup>.
- 7.3.6 The management of patrons within street trading areas associated with premises covered by a liquor licence will be addressed through the Liquor licensing policy.
- 7.3.7 Advertising located on awnings and umbrellas for example, for products sold within the premises are permitted subject to compliance with the Signs Bylaw 2007 or permitted through dispensation or resource consent.
- 7.3.8 Umbrellas may be permitted where there is no overhead verandah or where the verandah provides inadequate shelter to patrons/customers, provided they comply with all other aspects of this policy. The base and umbrella spread must not extend beyond the demarcated street trading area and must be at least 2.2m above pavement level.
- 7.3.9 Planter boxes will be permitted provided they are portable and able to be removed from the street and stored within the premises at all times outside of approved operating hours of the premises. At the discretion of the council and where applicable, dispensation may be granted to the licence holder for the planter box to remain on the street, providing it is considered to be in a position that adds benefit to the public, doesn't over privatise the space or obstruct visibility, or compromise street cleaning, safe pedestrian movement, or present a hazard to the visually impaired. The licensee will be responsible for street maintenance within the trading area if access to council's street cleaning contractors is restricted. Refer to 7.9.1
- 7.3.10 External fixed heater appliances are to be installed by a registered tradesperson in compliance with the manufacturers specifications. Mobile gas heaters must be on a suitably heavy and sturdy base to prevent tipping. All heaters should comply with the New Zealand gas association or electricity authority requirements. Heating devices must be contained within the street trading area. Refer 7.8.9.

## **7.4 Enhancing urban character and heritage**

- 7.4.1 Activities covered by this policy should enhance the built form, urban character, heritage features and sense of place within public spaces and not obstruct significant buildings, public artworks and heritage artefacts, views or vistas. Activities proposed to be located in public spaces adjoining or within sites listed in the District Plan heritage schedules will need to comply with the District Plan requirements. Contact with council's heritage division is advised to determine if resource consent is required. Contact with the appropriate council body e.g. urban design panel, heritage architects is encouraged to ensure the activity does not adversely impact urban character and heritage features.
- 7.4.2 Street trading activity adjoining heritage buildings or areas will need to use designs, materials and finishes which are in keeping with and complement the area's heritage character.

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<sup>4</sup> Liquor may only be consumed where the premises is licensed under the Sale of Liquor Act. This liquor licence will be subject to the conditions outlined in the Liquor licensing policy  
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## **7.5 Street trading licence**

- 7.5.1 The licence must be displayed at the principle entrance to the premises.
- 7.5.2 The licence must list all items located on the licensed area and all conditions to be met. The licence must include a statement that the licensee holds the appropriate public liability insurance and that the council is indemnified against any action.
- 7.5.3 Licences will be considered and issued on application using the prescribed form accompanied by a dimensioned plan and photograph which adequately describes the extent of the area sought and identifies clearly all items to be placed on the area.
- 7.5.4 Licence conditions may be changed or licences cancelled at the council's discretion on the giving of notice to the street trader.
- 7.5.5 The street trading licence may be temporarily suspended for emergency or maintenance work or for the duration of permitted events/protests or other permitted use of public space, or where works are likely to threaten the safety and security of staff and customers within an authorised street trading area. In these circumstances, no compensation will be paid, but the council may allow alternative locations to be used. A part refund of the fee may be available in some circumstances upon application.
- 7.5.6 The street trading licence does not confer any absolute rights on the licensee to occupy the street environment and council reserves. The council has the right to decline an application for a licence where the proposal does not meet the relevant guidelines or where an authorised officer considers that appropriate standards of convenience, safety or visual amenity would not be met by granting the licence or where cancellation is considered to be in the public interest.
- 7.5.7 The licence holder is expected to fulfil his/her responsibilities and to comply with the conditions of the licence. Failure to comply with the conditions of the licence may result in enforcement action being taken. In persistent cases of non compliance this could ultimately result in seizure of goods and furniture and cancellation of the licence.
- 7.5.8 Prior to suspension of the licence, council must issue a minimum of ten working days notice to the licence holder, setting out the grounds for suspension. Notice will be served on the licensee by way of registered post or by the street trading officer. The ten working days will commence upon receipt of the notice.
- 7.5.9 The licence holder may appeal the suspension by writing to the Group Manager, Auckland City Environments, stating the grounds on which they are appealing and providing an outline of the matters they wish to have considered.
- 7.5.10 Licence duration is for one year unless otherwise specified and on expiry, must be renewed on the anniversary of issue or an advised date. There is no automatic right of renewal i.e. having a licence already is no guarantee it will be renewed. An assessment of the extent to which a licence meets the provisions of this policy will be an integral part of each annual licence renewal.
- 7.5.11 Officers will consider how well existing licences meet the requirements of this policy at the time of the first licence renewal after this policy comes into effect. Items previously approved which do not comply with the provisions of this policy, will not generally be granted approval in the new licence. Where officers consider that the removal of such items will create undue hardship at the time of the first licence renewal, after introduction of this policy, a period of time may be granted for the removal of the items at the discretion of the officer.

7.5.12 A street trading permit may be granted for a one off event not covered by an event permit issued by Council. This will enable a temporary extension of the street trading activities and be subject to resource consent requirements where appropriate. A special fee and conditions may apply.

## **7.6 Licence fees**

7.6.1 All licences will incur an annual licensing fee, which will be reviewable from time to time and at least at one yearly intervals.

7.6.2 The fee will be based on the recovery of costs of processing the licence, administration and monitoring prior to and post the issuing of the licence.

7.6.3 From 1 July 2010, the fee will be based on the demarcated area, marked with council markers and charged per square metre of public area used.

7.6.4 Part year quarterly licensing options for a three, six, nine or twelve-month period will be considered for temporary usage over a season or for particular events.

7.6.5 In the event of the business being sold, the annual licence fee will remain with the business for the remainder of the year covered by the licence. A transfer fee is payable to cover administration costs associated with the transfer.

## **7.7 Licensed premises**

7.7.1 Licensed premises are expected to conduct their business consistently in both indoor and outdoor areas.

7.7.2 Liquor may only be consumed in the street trading area where the area is licensed for the sale and supply of liquor under the Sale of Liquor Act.

7.7.3 Smoking in the area covered by the street trading licence must meet all the requirements of the Smokefree Environments Amendment Act 2003.

## **7.8 Health and safety**

7.8.1 The activities covered in this policy should provide a safe and secure environment for operators, patrons and pedestrians, while not compromising necessary activities such as pedestrian and vehicle circulation and access.

7.8.2 Where relevant, street trading licensees have a responsibility to comply with relevant Occupational Health and Safety requirements.

7.8.3 Items and structures placed in the street trading areas should:

- not excessively privatise the public space
- enable servicing, maintenance and delivery via public land to be carried out unimpeded
- meet minimum safety standards and relevant legislation and standards including NZS 4121: the code of practice for Design for Access and Mobility

7.8.4 The location of sandwich board signs where there is also a street trading operation must meet Signs Bylaw 2007 requirements and enable the safe movement of mobility impaired persons. Input from council's disabilities issues awareness group (DIAG) will need to be obtained as required.

- 7.8.5 All overhead structures associated with street trading areas e.g. awnings, blinds and umbrellas, must be at least 2.2m above pavement level and their outside edge must not extend beyond the demarcated street trading area.
- 7.8.6 Mobile gas heaters must be on a suitably heavy and sturdy base to prevent tipping. Heating devices must be contained within the licensed space and located a minimum of 800mm from any kerb.
- 7.8.7 External heater appliances fixed to permanent structures must be at least 2.5m above ground level<sup>5</sup> and be installed by a registered tradesperson in compliance with the manufacturers specifications and New Zealand gas or electricity authority requirements. Refer to 7.3.10.
- 7.8.8 All screens surrounding a heater must comply with AS1530 Part 1- 4 inclusive with regards to fire retardance<sup>6</sup>
- 7.8.9 Council officers may require the temporary closure of the licensed area for emergency or maintenance work, with the giving of notice where possible. In these cases there is no requirement for compensation to be paid but alternative locations may be investigated where practicable.
- 7.8.10 Temporary closure of licensed areas may also be sought for approved events which will be by negotiation between the event organiser and license holder, using prescribed terms to ensure fairness to the licence holder. In these cases there is no requirement for compensation to be paid but alternative locations may be investigated where practicable.
- 7.8.11 To ensure safety and avoidance of trip hazards, anchors for blinds installed into the footpath are to be flush with the footpath surface as per standard specifications available from approved suppliers.

## **7.9 Management of street trading activities**

- 7.9.1 All items placed on the street as part of the street trading operation must be mobile or retractable and able to be rolled away or removed from the footpath when not in use at the end of the days trading. Items must also be removed as required by council on the giving of notice for operational reasons e.g. works, street cleaning, unless specifically approved otherwise. This applies to planter boxes, drop-down blinds, free standing screens and furniture. Refer to 7.3.8.
- 7.9.2 Where the street trading permit hours are less than the trading hours of the licence holder's business, furniture is to be stored in a tidy manner on the street trading area until the close of the licence holders business.
- 7.9.3 Street traders must maintain their licensed area and any peripheral public area affected by their operation, in a clean, safe and hygienic state at all times. The council rubbish bins on the street must not be used for the disposal of rubbish associated with the activity. Rubbish, including the collection and disposal of cigarette butts and ash from the premises where smoking is allowed, must be disposed of by the trader from the site each day.
- 7.9.4 The area covered by the street trading licence should not to be used for the general storage of items associated with the adjoining business premises e.g. pallets of vegetables, or as an overflow area for goods that cannot fit into the retail premises. Rubbish bins waiting for collection should be placed inside or in a rear service area, except on collection day.

<sup>5</sup> NZ Standard 5261 Part 2. Gas Regulations 1993

<sup>6</sup> The Building Code 2004 Compliance Document Fire Safety Clauses C1-C4 inclusive of Appendix C  
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ACRS-7013-09/09

7.9.5 The trader is responsible for the repair at his/her expense for any damage caused by their operation to the street or items on the street where they are located.

## **8.0 How Auckland City Council will review the policy**

Auckland City Council will review the *street trading policy: provision of outdoor dining facilities for the consumption of food and/or drinks, including those offered by a licensed premises* and its application as appropriate. This is to ensure the policy remains current in relation to other relevant strategies and policies and to ensure the policy is effective in meeting its objectives and goals. Council will undertake a review of the policy in consultation with external stakeholders.

## Appendix: Licence terms and conditions for inclusion in licence application form

1. That licence must be displayed in a position clearly visible to the public at the principle entrance to the premises.
2. That evidence of a current public liability insurance to a minimum value of \$1 million be provided to the council to validate the licence.
3. That the placement of tables and chairs, open umbrellas, heaters, barriers, screens and other items:
  - must not exceed the width of the shop frontage
  - must leave a dedicated clearway of 1.8 metre minimum for pedestrian flow-path along the footpath
  - can be placed up to 1.8m out from the shop side if the width of the footpath allows
4. The licence is granted subject to compliance with all relevant District Plan requirements, legislation, policies and guidelines.
5. If the council determines that any blind, screen, planter box or other item is causing an obstruction on public space, the council may in accordance with the Auckland City Consolidated Bylaw 1998 request its removal.
6. All furniture items and signs need to be removed from the street and stored within the premises, at all times outside of approved operating hours of the premises. The licence holder has a responsibility to minimise noise nuisance to the public during furniture removal/storage at the end of days trading.
7. That one sandwich board only will be permitted to be placed on the same side of the footpath as the tables and chairs to reduce footpath congestion. An exemption will be required to comply with the Auckland City Consolidated Bylaws Part 26.10.1(d) – Signs.
8. That no sandwich boards are allowed on any public places in the Auckland central area in accordance with Auckland City Consolidated Bylaws Part 27 – Signs.
9. No additional tables, chairs or other items may be placed on public property without the amendment of the licence, by the council, at an appropriate fee.
10. That Auckland City Council reserves the right to alter or revoke the licence if any of the conditions in the licence are not complied with, following ten working days notice being given. The licence holder may appeal the suspension by writing to the Group Manager, Auckland City Environments, stating the grounds on which they are appealing and providing an outline of the matters they wish to have considered.
11. That both the footpath and the outdoor furniture in front of the licensed premise must be kept clean at all times.
12. The council must be informed within fourteen days of any change in the ownership of the business.
13. Standardised council approved fittings must be used as anchors for awnings / blinds /screens.

14. That the area licensed must be demarcated with council approved markers, set flush with the paved surface.
15. If utility companies need to occupy the footpath for installation and maintenance, or for temporary council permitted events, priority will be given to the works or permitted event over the business holding a street trading licence. No compensation will be paid by council, however an alternative location in the vicinity of the business may be temporarily allowed for the duration of the works or event. Consideration will be given to a partial refund of the fee which will be reflective of the time period that the street trading activity is affected by the works or event.
16. Noise levels must be kept to an acceptable level and activities must not cause a public nuisance.
17. The sale and supply of liquor in an area licensed for street trading must comply with the liquor licence granted under the Sale of Liquor Act.