

5. OXFORD ON AVON TAVERN – RIVERBANK LICENCE

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Corporate Plan Output: Leases consents 9.4.8	

The purpose of this report is to recommend the granting of a further licence to the owners of the Oxford on Avon Tavern of an area of the adjacent riverbank that has been established as an outdoor dining facility. The Parks & Recreation Committee is requested to recommend the proposal to Council for a resolution to grant a further licence.

LAND DESCRIPTION

The outdoor seating area takes in a rectangular block of 17.9 metres in width and 7.1 metres in depth to give a total area of approximately 127m². Hotel owned improvements comprise a paved patio with iron railings surrounded by a low stone wall. The area accommodates 18 tables and as part of the original development which was approved by Council's Parks Unit, additional public seating as a condition of the original approval has been put in by the tavern owner on non licensed land to the east of the outdoor dining area.

RECREATION RESERVE

The subject land is classified as a recreation reserve subject to the provisions of the Reserves Act 1977. (Gazette 182 1990 Page 3924). Prior to the classification the Council held the land for recreational purposes in terms of the Christchurch City Reserves Amendment Act 1929.

OCCUPANCY DETAILS

The Council first gave approval to the outdoor eating terrace on this reserve in September 1988. On 23 November 1988 consent was granted under the Town and Country Planning Act 1977 and a non-exclusive licence was subsequently granted in October 1990 to the then tavern proprietors, Hancock and Company Ltd. The licence was for a total term of 9 years including rights of renewal. The licence was assigned in June 1993 to the current owners of the tavern, Stonewin Holdings Ltd.

The public are entitled at all times to access the dining terrace and use the tables and chairs without necessarily having to use facilities of the tavern. This was one of the conditions of the planning consent.

NEW LICENCE

The existing licence expired on 1 October 1999 and has since been a tenancy on a month-to-month basis. An application has recently been received from the tavern owner for a long-term tenancy on the basis of a five-year agreement with two rights of renewal of five years each, making a total term of 15 years. The Parks and Waterways Unit confirms that a new agreement for this duration may be negotiated from a reserve planning perspective. The rental will be renegotiated and would be subject to three yearly reviews. All outgoings including rates are payable by the licensee. On the advice of the City Arborist, the maintenance of the horse chestnut tree within the licence area is to be left entirely to Council.

PUBLIC NOTIFICATION

The issue of a new licence is subject to public notification under the Reserves Act. The consent of the Minister of Conservation is not required as the proposed licence is for a use that will be the same or similar in the intensity or scale as the existing activity.

CONCLUSION

This facility has proved to be popular and contributes to the character and enjoyment of the riverbank enhancing the use and appearance of this area of high public amenity. No reason is seen not to renegotiate a long-term licence as requested for the continued operation of this river bank amenity. The granting of a non-exclusive licence will not preclude the general public using the area.

Recommendation: That, pursuant to Section 54(1)(d) of the Reserves Act 1977, the Council approve the issue of a commercial non-exclusive licence to Stonewin Holdings Ltd in respect of the existing outdoor dining area adjacent the Oxford on Avon Tavern for a total term of 15 years, subject to:

1. Public notification of the proposed licence and no sustainable objections being received.
2. The Property Manager being authorised to negotiate and conclude the commercial terms of the licence.
3. The applicant company meeting costs and disbursements associated with preparing and issuing the licence.
4. The licence specifically stating that the licensee has no rights to prune or otherwise maintain the existing tree(s) within the licensed area.
5. The Property Manager being authorised to administer the terms and conditions of the licence.