

7. PUBLIC STREET ENCLOSURE POLICY

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The purpose of this report is to advise the Council of the process and outcome of the Central City Streets Subcommittee's work on the development of a policy for determining the use of weather protection structures and furniture in licensed public areas for outdoor dining and to seek endorsement of the proposed policy.

BACKGROUND

A deputation of Oxford Terrace bar owners addressed the City Services and Environment Committees in August 2000 seeking approval to erect windbreaks in front of their premises.

The Environment Committee established a Windbreak Subcommittee that heard a further deputation from Oxford Terrace business interests. One of the particular concerns of the Subcommittee was that any extension to the present licensing arrangement for tables, chairs and umbrellas should be in the form of a minimal structure that could be utilised only when the weather was inclement.

Subsequently, a fully enclosed plastic covered tent structure was erected outside The Boulevard Restaurant & Bar, Oxford Terrace, without the necessary consents from the Council. Their retrospective application for a licence to occupy legal road was made to the Sustainable Transport and Utilities Committee on 27 November 2001. The Committee's decision was amended by Council at the December 2001 meeting. It was resolved that consideration of the application be deferred pending development of a policy and guidelines by a new Subcommittee.

The new subcommittee, the Central City Streets Subcommittee, was subsequently formed, comprising the Chairman and Councillors Wright, Stonhill, Corbett and Megan Evans.

PREPARATION OF THE POLICY

A review and draft policy was prepared by City Development Group staff in consultation with City Streets and Property Unit staff. The policy was presented to the Subcommittee on 11 March 2002. Photographs were shown to the Subcommittee of typical situations where street space is licensed for outdoor dining. A photomontage was provided, indicating how part of 'The Strip' might look if all of the buildings were to have street enclosures similar to that erected by 'The Boulevard'.

The Subcommittee made amendments and a revised draft was considered on 25 March 2002 and approved for public consultation. The draft policy was approved for release by the Legal Services Unit on 11 April 2002.

CONSULTATION PROCESS

A public consultation period ran from 15 April to 13 May 2002. Notices and press releases were placed in The Press and The Star, there was an article in the April edition of City Scene and there was a bulletin on the Council web site. Letters were sent out to interest groups, including organisations for the disabled, Oxford Terrace bar owners, the Police, the Institute of Landscape Architects and other professional groups. The notices and letters explained that submissions could be made and that submitters could speak to the Subcommittee if they wished. The draft policy was sent to all Community Board members on 19 April 2002 and they were asked to provide any comments to the City Streets Manager by 13 May 2002.

A public meeting was held at 'Our City' on 6 May 2002 at which staff explained the proposed content of the Policy. This meeting was attended by around 25 people, mainly Oxford Terrace bar owners and their consultants. The period for submissions was extended by a week, following a request from the floor.

Twenty written submissions were received and these were considered by the Subcommittee at a meeting held on 27 May 2002. Nine of the submitters chose to speak to their submissions. Having considered the submissions the Subcommittee felt it was necessary to familiarise themselves with the various situations where street enclosures might be sought. Consequently, the Subcommittee and staff visited Sumner, New Brighton, Colombo Street (north), Oxford Terrace and Cashel Mall on 6 June and discussed their findings on return to Tuam Street offices. As a result of the consideration of submissions and the Subcommittee tour, staff made further changes to the draft policy. These were discussed at a meeting of the Subcommittee on 20 June 2002. Further amendments were made and the revised policy document was approved by the Subcommittee on 7 August 2002.

The Public Street Enclosures Review and the proposed Public Street Enclosure Policy are separately circulated. The Subcommittee is satisfied that the policy is clear, consistent and equitable.

NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
The Natural Step			
N1	Reduce non-renewable resource use	0	
N2	Eliminate emission of harmful substances	0	
N3	Protect and restore biodiversity and ecosystems	0	
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
The People Step			
P1	Basic needs met	0	
P2	Full potential developed	0	
P3	Social capital enhanced	✓	Facilitates the use of public space for social activity
P4	Culture and identity protected	✓	Ensures the spatial, architectural and historic integrity of city streets and buildings is not undermined
P5	Governance and participatory democracy strengthened	0	
The Economic Step			
E1	Effective and efficient use of all resources	✓	Makes greater use of public assets
E2	Job rich local economy	✓	Enables food & beverage outlets to expand their customer capacity
E3	Financial sustainability	✓	Potential increased spending and increased revenue to Council

- Recommendation:**
1. That the Public Street Enclosure Policy be adopted.
 2. That the delegations set out in Appendix one of the policy be adopted.
 3. That the Central City Streets Subcommittee receive a comprehensive monitoring report in approximately 18 months time on the operation of the policy.