

5. REVIEW OF OPERATIONAL POLICIES RELATING TO THE NEW PUBLIC PLACES BYLAW

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager City Environment, DDI 941-8656 |
| Officer responsible: | Network Planning Unit Manager |
| Author: | Teena Caygill, Policy Analyst – Bylaws – Strategic Support Unit |

PURPOSE OF REPORT

1. The purpose of this report is to update the Regulatory and Planning Committee on the initial stages of the review of the operational policies that relate to the new Public Places Bylaw and to seek any initial feedback from Councillors on the direction or scope of the reviews.

EXECUTIVE SUMMARY

2. At its meeting of 28 February, the Council resolved that the operational policies relating to the Public Places Bylaw were to be reviewed by the end of 2008.
3. The 12 policies that need to be reviewed can be grouped into four subject areas:
 - structures on roads
 - signboards
 - market stalls
 - busking
4. The policies relate to the clauses in the Bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7).
5. The policies were all adopted in the 1990s, with the exception of the Public Street Enclosures Policy and Fees Charged, which was adopted in 2006. The policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new Bylaw. The policies need to be reviewed to ensure that they are still necessary, that they are appropriate and that they are fit for purpose.
6. The review of the policies will:
 - rationalise the current policies, where needed
 - establish whether current practice and needs align with the policies
 - assess whether any new matters need to be included
 - establish whether the policies align with the new bylaw
 - take account of internal (Council) needs and external (stakeholder) needs
 - result in redrafted policies that are coherent, stand-alone documents.
7. The operational policies are more significant than they were under the old bylaws, as much of the detail that was in the old bylaws has been removed, with the expectation that the detail will now be in the policies. Policies are easier to amend than bylaws, as each time a bylaw is amended, the full Special Consultative Procedure (as set out in the Local Government Act 2002), must be undertaken, while this is not the case for a policy.
8. This report is to highlight some of the issues that have been identified from an initial examination of the policies, and to give Councillors an opportunity to raise any issues or concerns about the existing policies or direction of the policy reviews at this early stage. The existing policies can be found in Attachment 1. The issues are outlined in Attachment 2.
9. A later report will follow, which will contain draft, revised policies. If the revised policies are adopted, they will then go out for consultation, and will ultimately come back to the Regulatory and Planning Committee/Council for final adoption.

THE POLICIES

Review #1: Structures on roads

10. The five policies that cover different aspects of structures on roads focus on the use of public space for commercial activity. Through these five policies, the Council can grant licences for the use of airspace, footpath extension use, the use of legal road for licensed premises, the use of public space for outdoor dining, and the erection of structures on public roads.

| Title of policy | Summary of coverage |
|---|--|
| Airspace over Public Roads - Granting Rights | This policy focuses on granting rights to airspace over a public road eg. overbuilding or airbridge. It outlines the criteria Council needs to consider when granting an application. The policy also identifies areas where airspace licences can or cannot be granted. |
| Footpath Extensions to Expand Cafes onto the Roadway | This policy is in the form of a note for Council to encourage the use of extensions to outdoor dining areas onto footpaths/roadways; and sets out the guidelines in determining the granting or declining of applications. |
| Legal Road as Licensed Premises, use of | This policy is currently a statement noting that a clause be included in licence agreements, giving the Council the ability to revoke the licence should there be continuing problems. |
| Public Streets Enclosures Policy and Fees Charged | This policy focuses on the licensing of public space for outdoor dining. |
| Structures on Streets (Ramp, Retaining Walls, Garage, Parking Platform Etc) | This policy sets out the criteria under which existing and new structures can exist on legal roads (including airspace) within the city boundary. It also outlines the criteria that should be taken into account when the Council is considering an application. |

Review #2: Signboards

11. The Council policy covering signboards identifies a range of traffic volumes in pedestrian areas and outlines signboard requirements according to each of these.

| Title of policy | Summary of coverage |
|-----------------------------|--|
| Signboards in Public Places | Identifies a range of pedestrian area types and sets out signboard criteria for each of these; and identifies other uses and sets their criteria. The policy also notes what will happen if the policy is contravened and also the need to ensure that all signboards do not pose a danger to property or to the public. |

Review #3: Market Stalls

12. The five policies covering market stalls and street trading address a range of matters, including the allocation and management of sites; tender and leasing processes; charges, rents or leasing fees; temporary sites; the impact of festivals and events; application processes; standard conditions; any special vendor sites; etc.

| Title of policy | Summary of coverage |
|--|---|
| Banks Peninsula District Council Stalls/Market Policy | Covers semi-permanent sites, market stalls, fees and the leases that will be issued in connection with the sites. The policy includes compliance with the district plan and indicates location of sites. Outlines the process for applying for a site. |
| Street Trading Policy | Covers the conditions of approval for the allocation, use and size of a site with provisions for specialist areas with Victoria Square, Worcester Boulevard and the Avon riverbanks. The policy has provision for temporary sites. Tables and chairs for outside dining adjoining food premises are included. |
| Stalls in Cathedral Square and City Mall | Indicates limiting the number of sites available within City Mall and Cathedral Square and the tender process. Covers permanent sites, International Food Fair, Heart of the City Market, and the duration of the leases that will be issued. |
| Stall Site Licensing Policy | Sets out the process / procedure for the allocation of licenses for stall sites within the City. Stating that all sites will be allocated through tender, with the exception of the ice cream vendor sites in Victoria Square and the pie cart in Latimer Square. |
| Victoria Square and Victoria Square Amphitheatre, use of | The policy outlines activity types permitted, booking processes, management of the site and notes provision for one specialist ice cream vendor. |

Review #4: Busking

13. This short Council policy outlines the conditions associated with busking in the city.

| Title of policy | Summary of coverage |
|------------------------|--|
| Busking Conditions | The policy outlines the conditions of busking throughout the central city, indicating areas allocated for busking. The conditions include nuisance, noise, hindrance and money collection. |

STAFF RECOMMENDATIONS

It is recommended that the Regulatory and Planning Committee:

- (a) Note that staff are undertaking the initial stages of the review of operational policies under the new Public Places Bylaw.
- (b) Direct any feedback on the policy reviews to staff.