

Officer responsible Property Manager	Author Property Services Officer, Stephen Cribb Central City Engineer – Peter Atkinson LO-014-001-19/03
Corporate Plan Output: City Streets	

INTRODUCTION

The purpose of this report is to seek the Council’s approval of a policy on the occupancy of legal road between the property boundary and licensed road space.

BACKGROUND

An application has been received from the “The Bog Irish Bar” in Cashel Street (City Mall) to extend the area covered by their liquor licence to include that portion of the footpath between their premises and the area licensed “A” for outdoor dining purposes. This area is shown as area “B” on the attached plan. The hours for which the additional licence is to apply is between 10.00 pm and 7.00 am the following day. The applicant has requested that the use of this land be at no cost.

The purpose of including this area between the property and the licensed area is to overcome the problems when patrons are asked to leave the premises. During the remainder of the day the area becomes part of the footpath and will enable footpath users to pass along the south side of the mall under the cover of the verandah.

COMMENTS

The advantages of this proposal is that it will allow more positive control by the proprietor of their guests and the ability to better control unwanted guests.

This is the first application of this nature and it could impact on all the existing licensed areas within the City Mall and on that section of Oxford Terrace between Lichfield Street and City Mall.

The current rental for outdoor seating and dining areas approved by the Council is as follows:

Licensed Area	Rental Calculation (per annum + GST)
0m ² – 30m ²	30% of Prime Rental Rate
30m ² – 60m ²	30% of Prime Rental Rate to 30m ² Plus: 26% of Prime Rent 30m ² – 60m ²
60m ² – 100m ²	30% of Prime Rental Rate to 30m ² Plus: 26% of Prime Rental Rate 30m ² – 60m ² Plus: 20% of Prime Rental Rate 60m ² – 100m ²
100m ² – 200m ²	30% of Prime Rental Rate to 30m ² 30m ² – 60m ² Plus: 26% of Prime Rental Rate 30m ² – 60m ² Plus: 20% of Prime Rental Rate 60m ² – 100m ² Plus: 15% of Prime Rental Rate 100m ² – 200m ²

A point to note from the above table is a reducing rate for a larger area. A lesser rate can also be justified for the reduced hours of use. Similarly if the area is kept free of standing patrons, tables and chairs and other associated equipment then a nil charge could be made. If this area is used for any other purpose than one of controlling guests then a charge of 20% of the prime rental rate would need to be made. This usage will be monitored for compliance.

- Recommendation:**
1. That the Council grants, at no cost, an extension to an existing Deed of Licence for Occupation of Legal Road, to include the area between the property and the licensed area between the hours of 10.00 pm and 7.00 am on the following day for crowd control purposes only.
 2. That if the above area is used between 10.00 pm and 7.00 am for the standing of patrons, the provision of tables and chairs and any associated entertaining equipment then a charge of 20% of the prime rental rate be levied, and that this be monitored.

Chairman's

Recommendation: That the above recommendation be adopted.