

FOOTPATHS POLICY

ALCOHOL CONSUMPTION AND DINING

<i>Source:</i>	Council Meeting
<i>Date:</i>	22/02/2006
<i>Reviewed:</i>	<i>Next review:</i>
<i>See also:</i>	Sale of Liquor Act 1989

Outdoor eating and drinking in the community adds life, interest and colour to the street scene and enables more people to enjoy the pleasure of dining alfresco. This activity is of considerable value to the general town appearance for social and recreational purposes and is welcomed.

The licensing of public space for private activities can provide a greater commercial opportunity that enhances the value of the activities in the adjoining buildings. It is understandable that commercial operators will wish to maximise that opportunity by effectively creating a privately controlled and restricted use of that licensed public space. It is also clear that the creation of privately controlled, enclosed street spaces can result in a number of potentially undesirable environmental effects.

This policy will guide the Council in decision making regarding the desirability of licensing public space for outdoor dining. The Council, as landowner needs to consider the private, commercial benefits and balance the environmental and community advantages and disadvantages of these uses for licensed public space. This balance is reflected in this policy.

General Principles

1. Footpaths provide public space for the general public, not for commercial benefit.
2. General bylaws require Council consent for the placing of articles on public places.
3. Council wishes to avoid excessive visual and physical clutter by ensuring sufficient space remains for public access and provide limited space for dining.
4. The needs of disabled, young and elderly users of the footpath must be considered.
5. Council is mindful of the cumulative effects of permitting footpath dining.
6. Consumption of alcohol, other than associated with dining is not permitted.
7. The policy is fair and equitable to all businesses.
8. A clear unobstructed 2.5m width of footpath must be maintained at all times.

Licence to Occupy

1. Any person wishing to place tables and chairs on public footpaths for dining purposes must first obtain a 'Licence to Occupy' from Council.
2. Any person wishing to incorporate footpaths as part of the 'defined area' of their liquor licence must include the 'Licence to Occupy' with their application.
3. An annual licence fee of \$100 is payable to Council.
4. A 'Licence to Occupy' does not authorise the consumption of alcohol on footpaths in relation to liquor licences unless the liquor licences incorporates this area within its defined area.
5. Applications for 'Licences to Occupy' must contain a plan of the proposed area to be occupied showing measurements.

Licence Conditions

1. Furniture, including signage, may be placed on both sides of the footpath, as long as a clear unobstructed 2.5m width of footpath is maintained at all times.

2. The licence holder must hold public liability insurance over the portion of occupied footpath.
3. The licence holder will be responsible to ensure that the furniture placed on the footpath does not extend beyond the licensed area.
4. The consumption of alcohol associated with dining on a footpath must not extend beyond 10.00 pm.
5. The licence holder is responsible to ensure that the licensed area remains clean and tidy.
6. The licence holder must not allow their guests or patrons to create any excessive noise, nuisance or annoyance to any other person using the footpath or adjoining road.
7. Loud speakers are not permitted to be placed on the footpath.
8. If the Council considers (in its sole and absolute discretion) that the footpath is required for a special event, then 24 hours notice will be given to the licence holder of the requirement to clear the licence area of furniture.
9. Furniture placed on footpaths must be of a suitable outdoors resilient design. It must be of sufficient weight to resist wind action and must not have sharp corners or edges which could injure pedestrians. Furniture must be of a removable nature and removed from the footpath outside normal business hours.
10. Furniture must not be placed to restrict entry or egress from entrance doors.

Revocation of Licence

If -

- a. The licence holder fails to comply with the conditions of the licence, or
- b. The licence holder breaches the terms or conditions of the applicable sale of liquor licence or Sale of Liquor Act 1989, or
- c. The Council receives sustainable complaints from the Police and/or any liquor licensing inspector in respect of the licensed area of land, or
- d. The Council considers (in its sole and absolute discretion) that public use of the footpath is unreasonably restricted, or

e. The licence holder has assigned or transferred its interest in the licence holders business without first obtaining Council's written consent.

Then the Council may revoke the licence to occupy by giving the licence holder 24 hours written notice.