
FOOTPATH MANAGEMENT POLICY REVIEW

1. Purpose of Report

The report seeks the Committee's agreement to consult on the draft Footpath Management Policy attached as Appendix 1.

2. Executive Summary

In general, Wellington footpaths allow for safe and efficient pedestrian movement. However recent trends, such as increases in outdoor café seating and increased pedestrian numbers, have led to competing demands for footpath space in some areas. The competition for footpath space between pedestrians, core services (e.g. bus shelters, utility poles) and non-pedestrian activities (such as sandwich board advertising) is intensified by Wellington's relatively narrow streets and footpaths.

Due to the increased demand for footpath space and to ensure alignment with Council's draft strategies, this Committee agreed in November 2005 to undertake a review of the Footpath Management Policy (1995). The draft Policy establishes a framework to ensure pedestrian safety and ease of movement and outlines the conditions for permitting private, non-pedestrian activities on public footpaths. The core themes from the strategic outcomes that have particular relevance to the draft Footpath Management Policy include:

- creating a pedestrian-friendly city
- building on Wellington's strong sense of place
- building on Wellington's reputation as a safe city.

The draft Policy applies to the central city and suburbs as similar principles are required to ensure the appropriate balance between economic vitality, pedestrian-friendliness and quality public spaces for both areas. The key proposals for the draft Policy are outline below:

Minimum Unobstructed Footpath Widths – The only proposed change for minimum footpath widths is to lower the minimum width for Courtenay place from four metres to three metres. Courtenay Place is the entertainment centre of Wellington and encouraging more outdoor seating for restaurants and bars will enhance the vibrancy of the area. Courtenay Place also has lower pedestrian numbers than Manners Mall, which has an unobstructed width of 3 metres. Furthermore, seven out of seven outdoor seating venues randomly surveyed on Courtenay Place did not comply with the 4 metre minimum unobstructed footpath width but six out of the seven complied with the 3 metre minimum unobstructed width. Table 2 in section 11 has a complete list of the proposed minimum footpath widths.

Sandwich Boards - It is recommended that the Council remove sandwich board advertising from footpaths and other pedestrian spaces. On busy pedestrian streets, sandwich boards make the streetscape look cluttered and unattractive and create obstacles for pedestrians. The large number of sandwich boards in the city is not consistent with the strategic outcomes of having pedestrian-friendly streets and high quality public spaces. Recommendations from independent experts on developing the city's public spaces and streetscapes also support the removal of sandwich boards. The Disability Reference Group supported the need for more secure thoroughfares with fewer obstacles.

Outdoor Café Seating – Outdoor café seating is permitted because it adds to the vibrancy of Wellington's city streets and other public spaces. However, pedestrian movement should have priority over outdoor seating areas because it is the core function of the footpath. The following key conditions are recommended for outdoor seating:

- veranda space will be prioritised for pedestrians rather than outdoor seating areas
- outdoor seating must be high quality and all outdoor seating must be approved by the Council
- permanent barriers, screens and fixtures for wind protection or amenity will not be permitted
- fees will be reviewed annually taking into account current market real estate rates and factors such as the restrictions of use
- businesses may be required to mark their outdoor seating area to assist with monitoring of outdoor seating activities.

Retail Displays - Retail displays are permitted but there is increased emphasis on maintaining adequate unobstructed footpath widths and ensuring that displays are high quality. The following list contains some key recommended conditions for retail displays:

- retail displays must not obstruct access to or egress from premises in line with regulations such as fire regulations
- retail displays shall not exceed more than 800mm onto public footpath space
- retail displays shall be safe, high quality, tidy, stable and wholly contained within the display area (to the satisfaction of the Council)
- retail displays containing food must comply with all aspects of the Food Hygiene Regulations (1974)
- fees will be reviewed annually taking into account current market real estate rates and factors such as the restrictions of use.

The draft Policy also contains conditions for street performances and busking and street appeals and charity stalls.

The recommendations will have an impact on businesses through the removal of sandwich boards, tighter monitoring and standards for outdoor café seating and retail displays, increased fees for outdoor seating and the initiation of fees for retail displays. It is acknowledged that retailers, eateries and bars are an important component to the

city's economy and they add vitality to the city. The draft Policy does not intend to restrict businesses or economic growth. It is designed to achieve the right balance between private activities and the pedestrian right-of-way and thus sustain the vitality of the city area. In some areas, private activities are currently given precedence over the primary function of footpaths: having an efficient, safe and attractive thoroughfare for pedestrians.

If approved, the draft Policy will go out for public consultation. The Street Vending Policy Guidelines will also be presented to this Committee in July and both the draft Footpath Management Policy and the Street Vending Guidelines will be consulted on together.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to consult on the draft Footpath Management Policy, attached as appendix 1, highlighting the:*
 - a) *proposed removal of sandwich boards on public footpaths*
 - b) *various policy guidelines for:*
 - i. *Street Performance and Busking*
 - ii. *Retail Displays*
 - iii. *Outdoor Café Seating*
 - iv. *Street Appeal.*
3. *Note that the policy options for footpath widening projects are being developed in conjunction with the upcoming development of the Parking Policy, bus priority lanes, the Walking Plan and the Central City Streetscape Plan.*
4. *Note that the draft Street Vending Policy Guidelines will be presented to this Committee and that it will be included in the consultation process for the Footpath Management Policy in August-September 2006.*

4. Background

The Council adopted the Footpath Management Policy in 1995. The policy established a framework to ensure pedestrian safety and efficiency was maintained and outlined the conditions for permitting private, non-pedestrian activities (primarily retail activities) on public footpaths.

Since the original policy was adopted in 1995, the use and demand for footpath space from non-pedestrian activities has changed, such as increased numbers of outdoor cafés. In addition, Wellington's central city population has grown significantly and there are more pedestrians using the footpaths compared to ten years ago.

The increase in non-pedestrian footpath activities has created more obstacles for pedestrians and in some instances, activities such as sandwich boards and outdoor seating can dominate the footpath. The competition for footpath space between

pedestrians, core services (e.g. bus shelters, utility poles) and non-pedestrian activities is intensified by Wellington's relatively narrow streets and footpaths (where space is at a premium) and by a general policy of encouraging a vibrant central city.

While some of the footpath usage issues can be addressed through improved monitoring and enforcement of non-pedestrian activities, it is also important to review the Footpath Management Policy to better reflect the changing dynamic of Wellington's footpaths. Because of this, this Committee agreed in November 2005 to undertake a review of the Footpath Management Policy.

5. Discussion

5.1 Overview of Report

The report is set out in the following structure:

Section 6 - review and analysis of the Council's strategies and policies relating to footpath management

Section 7- discussion of the services and activities that are located on footpaths

Section 8 - analysis of the significant footpath activity trends that have developed since the 1995 policy was adopted

Section 9 - review of independent advice on the design and management of pedestrian areas and streetscapes (e.g. Jan Gehl's work)

Section 10 - outline of key principles that are guiding policy development

Section 11 - review of unobstructed footpath widths established in the 1995 Policy and outline of proposed changes to these widths

Section 12 - discussion and analysis of activities covered in the draft Policy and recommended policy guidelines for each activity

Section 13 – discussion of communication, monitoring and enforcement of the Footpath Management Policy.

6. Strategic Fit of Footpath Management Policy

The Council's draft strategies and existing Council policies were reviewed to ensure that activities on footpaths align with the Council's strategic outcomes. The key outcomes and policies that influenced the policy development are listed below.

6.1 Urban Development Strategy

Outcome 7: Better Connected - Wellington will be easy to get around, *pedestrian-friendly* and offer quality transport choices on a highly interconnected public transport and street system. A better connected city means an increasingly *pedestrian and cycle friendly city, where more trips can be made safely using active modes.*

Outcome 2: Stronger Sense of Place - Wellington will be a memorable, *beautiful city, celebrating and building on its sense-of-place, capital city status, distinctive*

landform and landmarks, defining features, heritage and *high quality buildings and spaces*. Building on Wellington's distinctiveness will mean:

- protecting and enhancing the elements of the city's sense of place
- increasing the focus on the quality of urban design, by integrating the planning of buildings and spaces, and the networks that connect them, at all scenes across the city.

6.2 Transport Strategy

Outcome 1: More liveable - Wellington will be easy to get around, *pedestrian-friendly* and offer quality transport choices. Ensuring the city is more liveable will mean:

- *priority walking routes to and within the city*
- balanced parking provision including short term parking, park and ride and park and walk.

Outcome 8: More sustainable - Wellington will minimise the environmental effects of transport and support the environmental strategy. We will seek to reduce negative local and global environmental effects by improving efficiency of the road and public transport networks, promoting alternatives to roads and managing traffic demand. This means:

- reducing the need for travel through a comprehensive Travel Demand Management (TDM) programme
- more efficient urban forms.

Outcome 10: Healthier - Wellington's transport system will contribute to healthy communities and social interaction. People's transport choices can have a significant effect on health. Improving health outcomes means promoting walking and cycling and reduced dependence on motor vehicles for short trips through the TDM programme.

6.3 Economic Development Strategy

Outcome 3: More compact - Wellington central city will be the premier and most rapidly growing speciality retail, entertainment, service and knowledge centre for the region, and Wellington's thriving suburban and rural areas will offer enhanced services and lifestyle choices.

6.4 Social Strategy

Outcome 9: Safer – Wellington will offer a safe living environment. In addition to initiatives designed to promote safety in the city, safety will also be enhanced through initiatives and programmes that act to support a vibrant city where people participate in their communities and activities.

6.5 Public Places Bylaw

The Public Places Bylaw regulates a range of activities on public spaces and refers to the Footpath Management Policy for policy direction on specific activities such as:

- street performance and busking
- street appeals
- articles and displays in public places
- trading in public places (street vending).

The bylaw also stipulates that it is an offence to:

- carry out any activity in a public place before obtaining the prior written permission from the Council as required by the bylaw
- obstruct an entrance to or exit from a public place
- place, leave or carry any materials, thing or substance on a public place that could cause any obstruction or danger to a person or property in that public place
- park a vehicle in an area of a public place that is not specifically set aside for the driving or parking of vehicles.

6.6 Central City Streetscape Plan

The Central City Streetscape Plan provides standards and guidelines for the design and placement of elements within the street by both the public and private sector. The standards and guidelines ensure consistent design and installation of streetscape elements throughout the central city and are based the following criteria:

- the streetscape is designed to be comfortable and safe for all pedestrians
- the streetscape is designed to accommodate a wide range of functions
- the streetscape is to be visually simple and free of clutter
- the streetscape is to be well-maintained
- the design and detailing of the streetscape is to be sympathetic to the local character and activity of an area
- the streetscape is to be designed so that utility services and private advertising are secondary to all other street functions.

7. Footpath Usage

This section discusses the range of activities and services conducted on footpaths in Wellington City.

7.1 Primary Footpath Function: Pedestrian Movement

The primary function of footpaths is for safe and efficient pedestrian movement. Pedestrian movement should have priority over all other services and activities. This

means footpaths should have sufficient space to accommodate pedestrian flows and footpaths should have clear, unobstructed thoroughfares for pedestrians. Sections 6.1, 6.2, 9.1, 9.2 and 10.2 discuss the principle of pedestrian priority in more depth.

7.2 Other Uses of the Footpath

In general, Wellington footpaths allow for safe and efficient pedestrian movement. However, in some areas (especially the CBD), there is competition for footpath space from a range of services and activities. The competition for space can create obstacles for pedestrians and can reduce safe and efficient pedestrian movement. The various activities and services that create this competition are discussed below.

7.2.1 Core Services on Footpaths

Several core¹ services are located on public footpaths such as:

- utility poles and cabinets
- traffic and street light poles
- information sign poles (e.g. stop signs, street signs)
- veranda poles
- bus shelters
- parking metres
- litter bins
- rubbish collection services
- mail boxes
- phone booths
- bicycle parking.

Core services are strategically placed along the kerb line to minimise the impact on pedestrian movement and maximise their functional use.

7.2.2 Streetscape Enhancement and Pedestrian-Friendly Initiatives

The Council upgrades footpaths and other pedestrian spaces to improve amenity values and make the streetscape more pedestrian friendly. These upgrades include the installation of:

- benches and seating
- street trees and vegetation
- sculptures, landscape design and bollards
- pedestrian shelters
- electronic information kiosks.

As with core services, streetscape enhancements are strategically placed to minimise the impact on pedestrian movements and maximise the amenity values.

7.2.3 Private Non-Pedestrian Activities

¹ A core service in this instance is any service which is essential to society such as electricity supply, transport systems or waste collection.

Several private, non-pedestrian activities undertaken by businesses and the public are located on footpaths. The council generally permits most of these activities as they can add vibrancy to the streetscape. These activities include:

- sandwich boards
- retail displays
- outdoor café seating (this includes widening footpaths to accommodate outdoor seating)
- street vending
- charity/fundraising stalls and activities
- street appeals
- busking and street performances.

The draft Footpath Management Policy contains guidelines for these activities. These activities almost exclusively occur in commercial areas: the CBD and suburban centres. However, the Policy applies to residential areas as well. Other non-pedestrian activities on footpaths covered in separate Council policies include:

- skate boarding, cycling and inline skating (Public Places Bylaw)
- parking on footpaths/pedestrian spaces (Public Places Bylaw and Parking on Footpaths Policy)
- vegetation from private property growing onto public spaces (Public Places Bylaw)
- regulation and management of private use² of legal road (Road Encroachments Policy)
- alcohol consumption in public places (covered by updated liquor ban on consuming alcohol in the CBD from Thursday evening to Sunday Morning).

8. Significant Changes and Trends Since 1995

8.1 Increased Outdoor Café Seating

Since 1995 there has been an increase in the number of outdoor café seating areas in Wellington. There are no records of historical outdoor seating numbers but currently there are around 94³ pavement permissions that are allocated to cafes, bars and restaurants in Wellington (88% of outdoor seating areas are located in the CBD).

8.2 Amendments to Smokefree Environments Act 1990

In December 2003, the Government amended the Smokefree Environments Act 1990, which prohibits smoking in licensed premises such as bars, restaurants, cafes, sports clubs and casinos. This created greater demand from licensed premises to have outdoor seating areas to accommodate smokers. Most requests for outdoor seating complied with the existing policy but the Council has also received requests to widen

² Primarily carports, garages and access to properties.

³ Seventeen of these pavement permissions are currently being processed for renewal or are first-time applicants.

the footpath where there is not sufficient existing footpath space to accommodate outdoor seating.

8.3 Increase in Pedestrian Numbers

Since the original policy was adopted in 1995, there has been a measurable increase in pedestrian numbers in the CBD. This can be attributed to a number of factors, such as:

- increased population of Wellington City and Wellington Region, which has resulted in more workers, shoppers and visitors in the CBD and suburbs
- increased inner city population
- enhanced retail, leisure and entertainment sectors in the CBD and suburbs
- increased tourism in Wellington
- increased events in the central city.

The table attached as appendix 2 contains pedestrian count numbers taken during the Property Institute's pedestrian count surveys of busy Wellington streets. The table shows that over a ten year period, the hourly pedestrian counts taken across 33 comparable addresses has increased by a total of 7,139 pedestrians (22%).

8.4 Increase in Inner City Living

Information from the 2001 census shows that between 1991 and 2001, the number of people living in inner city multi-unit dwellings in Wellington has increased around 250% from 753 to 2,607. The number of inner city residents living in Wellington now compared to 2001 has anecdotally increased also with the recent increases in apartment construction.⁴

Based on the 2001 census data, around 63% of Wellington's inner city dwellers work in the central city and, correspondingly 62% of Wellington inner city residents walked to work. In comparison, 40% of inner city residents walked to work in Auckland and 33% did so in Christchurch.

8.5 Narrow Streets

Wellington has relatively narrow streets compared to other cities, which results in narrow footpath widths in many areas. The restricted footpath space can squeeze the various services and activities that take place on footpaths together, which leaves less room for pedestrians. This draft Policy is designed to ensure the balance between the competing demands for use of the footpath and road space.

⁴ New census data will be available later this year but specific reports on inner city living trends might not be collated for a few years.

9. Analysis of Advice from Independent Experts

9.1 Jan Gehl – City to Waterfront: Public Spaces and Public Life Study

In February 2004, the Council commissioned the urban designer, Jan Gehl, in conjunction with several members of the Council's Urban Design Team to undertake a study of how Wellingtonians use public spaces in the central city. The report also provides recommendations of how to unlock the city's potential as a vibrant, dynamic and modern capital city.

The list below details some of Gehl's key observations and recommendations that are relevant to the development of the Policy:

- the key to establishing lively and safe public spaces is pedestrian traffic and pedestrian activities
- good walking conditions for walking along with a possibility for stationary activities, pauses and experiences are the key to attractive and lively public spaces
- parking is at present dominating the Wellington city centre and pedestrian priority is generally low
- the main pedestrian activity in Wellington is along the Golden Mile and Cuba Street
- the widespread use of sandwich boards creates obstacles on busy pedestrian streets
- encouraging outdoor café seating in Wellington invites people to stay longer, which encourages spending and boosts local businesses
- the amount of parking should be reduced to control traffic coming into the city centre
- pedestrian priority should be stepped up city-wide
- sandwich boards should be removed from streets to reduce visual and physical clutter
- street frontages should be lively and attractive to provide greater incentive to walk the city
- strengthening the pedestrian network can stimulate the activity level in public spaces.

9.2 Chris McDonald – Design Framework and Principles for Draft Central City Streetscape Strategy

In May 2003, the Council commissioned Chris McDonald from the School of Architecture at Victoria University to develop a design framework and principles for the Council's Central City Streetscape Strategy. Some of McDonald's key recommendations and comments include:

- street activities like window shopping and outdoor dining are more likely to occur on “slow”, pedestrian-oriented streets as opposed to “fast”, vehicle orientated streets
- the pedestrian environments along slow streets can be enhanced through a range of pedestrian-orientated improvements such as street performers, outdoor café seating, street vendors and kiosks
- the Council should prohibit private initiatives that introduce changes to paving or street furniture within the public right-of-way
- removing elements from the street can be just as important as adding new features and the Council should replace sandwich boards cluttered together at entrances to lanes and shopping arcades with a single, collective sign that lists all adjacent retailers
- the Council should ensure that public uses of the footpath, including informal activities such as sitting and pausing, are not compromised by businesses conducting trade on the footpath.

10. Core Principles for Draft Footpath Management Policy

The following guiding principles for the draft Policy incorporate the key outcomes and priority action areas from the recent strategic review process, internal and external advice and relevant Council policy:

- the Council’s decisions on permitting activities on footpaths should be reflective of its strategic vision for the city
- pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible
- Wellington streetscapes should be vibrant, safe and attractive
- Wellington streetscapes should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment
- businesses, groups and individuals should be permitted to use Wellington footpaths for non-pedestrian activities in a fair and balanced way that does not impact safe and efficient pedestrian movement
- businesses, groups and individuals that are permitted to use public space for private activities are responsible for managing these activities in accordance with Council guidelines.
- private initiatives that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted
- Wellington should have a balanced parking provision that takes into account the Council’s long-term strategic goals for transport in the City.

11. Minimum Unobstructed Footpath Widths

The 1995 policy established minimum unobstructed footpath widths to ensure that pedestrian priority and safe and efficient pedestrian movement is upheld. Activities such as outdoor café seating are not permitted unless the unobstructed footpath width is maintained. The footpath widths were established based on the demand for space and pedestrian flows. Table 2 below contains the recommended minimum unobstructed footpath widths for the city.

Table 2: Proposed Minimum Unobstructed Footpath Widths

Street	1995 Width (m)	Proposed Width (m)
Lambton Quay	4	4
Willis Street	4	4
Courtenay Place	4	3
Manners Mall	3	3
Manner Street	3	3
Cuba Mall	3	3
Dixon Street	3	3
Other areas	2	2

The minimum width for Courtenay Place is recommended to be lowered from four metres to three metres. Courtenay Place is the entertainment centre of Wellington and encouraging more outdoor seating for restaurants and bars will enhance the vibrancy of the area. Courtenay Place also has lower pedestrian numbers than Manners Mall⁵, which has an unobstructed width of 3 metres. Furthermore, seven out of seven outdoor seating venues randomly surveyed did not comply with the 4 metre minimum unobstructed footpath width but six out of the seven complied with the 3 metre minimum unobstructed width. Two out of those seven outdoor seating areas dominated the covered veranda space and left little room for pedestrian cover.

Alternative options to adjusting the unobstructed footpath widths (which were considered but not recommended) are to:

- a. widen the footpaths to allow seating and other activities, which is more expensive and would impact on parking and vehicle traffic
- b. keep wider unobstructed footpath widths, which would restrict the type of activities that the Council has indicated it wants to encourage.

12. Discussion of Activities

The following section discusses the various activities covered in the policy and provides recommendations for these activities.

12.1 Sandwich Boards

Sandwich boards are used by retailers and businesses to advertise and attract pedestrians and are currently permitted under the existing policy (the existing

⁵ Daily pedestrian Counts taken in 2004 show the following pedestrian count numbers between 10am-10pm: Manners Mall had 27,630 pedestrians and Courtenay Place 23,340 pedestrians.

conditions for sandwich boards are outlined in appendix 3). Sandwich board permits currently cost \$90 for the CBD and \$40 for the suburbs (these fees were set in 1995) and the fees are being increased to \$150 and \$90 respectively. Table 3 below shows the number of sandwich board permits granted over the past three years as well as the estimated revenue generated from sandwich board fees⁶.

Table 3: Sandwich Board Permits

Year	CBD	Suburbs	Total	Revenue from permits
2003/04	512	112	624	\$50,000
2004/05	554	40	594	\$51,000
2005/06	685	166	851	\$68,000

Using the updated fees above, 2006/07 sandwich board revenue would likely be around \$115,000-\$120,000.

12.1.1 Sandwich Board Policies of Other Cities

Table 4 below lists the approach of cities in New Zealand and overseas regarding sandwich boards.

Table 4: Sandwich Board Policy and Fees of Other Cities

City	Permitted Activity		Annual Fee	
	CBD	Suburb	CBD	Suburb
Wellington	yes	yes	\$150	\$90
Auckland	no	yes	---	0
Christchurch	yes	yes	0	0
Dunedin	yes	yes	\$20	\$20
Melbourne	no	yes	---	\$600
Sydney	no	no	---	---
San Francisco	no	no	---	---

Auckland has banned sandwich boards in the CBD and is the only major city in New Zealand to impose such a ban. Other international cities that have banned sandwich boards include Sydney, Melbourne and San Francisco. Auckland and Christchurch do not charge fees for sandwich board usage. Melbourne charges \$600 to use sandwich boards in areas outside the CBD.

12.1.2 Benefits of Sandwich Boards

Sandwich boards are grouped into the 'outdoor' advertising sector. Given the high volumes of pedestrian traffic in the Wellington's CBD, sandwich boards provide a cheap way for retailers to advertise to pedestrians and attract pedestrians into shops. They are especially useful for smaller retailers that do not have significant advertising budgets to spend on radio, television, newspaper or billboards. Table 5 below outlines

⁶ There is also revenue generated

the costs of various advertising options.⁷ The table should be considered with some perspective in that there is some difficulty comparing ad types.

Table 5: Media Reach and Cost of Different Forms of Advertising

Ad Type	Cost	Ad Time Frame	Media Reach ⁸	Media Reach Time Frame
Pedestrian/Vehicle Traffic				
o Sandwich Board	\$150	1 year	79%	7 days
o Ad Shell	\$500	2 weeks	79%	7 days
o Billboard	\$5,000	1 month	79%	7 days
TV (prime time)	\$300-\$1,200	30 seconds	75%	7 days
TV (off peak)	\$30-\$250	30 seconds	45%	7 days
Dominion Post (run-of-paper)	\$3,700	1 day	69%	1 day
Daily Radio	\$72-\$270	30 seconds	86%	1 day

Sandwich boards can also be used to direct potential customers to businesses that are not located on the street frontage (e.g. below ground level, above ground level, tucked away in side malls).

12.1.3 Negative Impacts of Sandwich Boards

Sandwich boards can have a negative impact on pedestrian movement and the aesthetics of public spaces. In certain areas of the CBD, sandwich boards take up significant amounts of pedestrian space, which creates obstacles and safety hazards for pedestrians. Sandwich boards can also make the streetscape look cluttered and unattractive, especially when several boards are located in a small area.

12.1.4 Options

The options considered for sandwich board policy were:

- option 1: status quo – sandwich boards are allowed as long as they do not interfere with minimum unobstructed footpath widths (this relies significantly on voluntary compliance, which has not been effective to date).
- option 2: increasing charges – fees for sandwich boards would be increased based on market advertising rates and monitoring/enforcement would be stepped up. Based on the table above, it would appear that retailers are being significantly undercharged with the \$150 annual fee.

⁷ Sandwich boards are small scale and are used more for advertising the location of a specific shop or advertising that a shop is open for business. The TV, radio and newsprint advertising operates on a much larger scale such as brand and product recognition, and special ad campaigns.

⁸ “Arbitron Outdoor Study: Outdoor Media Consumers and Their Crucial Role in Media Mix” Arbitron Inc., 2001, USA. Media reach is defined as the size of the audience who listen to, read, view or otherwise access a particular form of advertising in a given time period.

- option 3: partial removal - sandwich boards are not permitted in Wellington's key pedestrian streets but are allowed in other areas
- option 4: complete removal – sandwich boards are not permitted anywhere in the city.

It is recommended that the Committee agree to option 4: the complete removal of sandwich board advertising in the city and suburbs. The plethora of sandwich boards advertising in the city is not consistent with the strategic outcomes of having pedestrian-friendly streets and high quality public spaces. Sandwich board advertising provides much more of a private benefit than public benefit as it is primarily used to attract customers into private businesses. Certain outdoor activities covered under this policy such as busking and outdoor café seating add to the vibrancy of public spaces where as sandwich boards are inert advertisements. The Disability Reference Group also indicated the need for fewer obstacles on the footpaths.

Several other international cities with high quality urban areas such as Melbourne and Sydney have banned sandwich boards for similar reasons to those mentioned above. The Council has received advice from expert urban designers to remove sandwich boards because they have resulted in a cluttered streetscape in Wellington. Removing sandwich boards would enhance pedestrian friendliness, improve the quality of the open spaces and strengthen the pedestrian network by reducing the amount of obstacles on pedestrian thoroughfares. The removal of sandwich boards is proposed for the city centre and the suburbs because the same principles of pedestrian-friendliness and quality public spaces should apply to both areas.

It is recognised that retailers value sandwich boards as an advertising tool. However, there has been no significant impact for businesses located in cities with sandwich board bans so the decision to remove sandwich boards should not result in decreased economic activity in the city.

Some businesses are located in less visible locations and they use sandwich boards as a directional tool for pedestrians and potential customers. The removal of sandwich boards may be viewed to disadvantage these businesses compared to businesses with prime, street front locations. However, it must be noted that businesses located in less visible locations do not pay the same real-estate rates as those located in prime locations. Moreover, the Council is not responsible for ensuring the visibility of shop fronts and has no obligation to allow advertising on footpaths and pedestrian walkways.

12.1.5 Implementation and Compensation for Retailers Not Located on Ground Floor

If the Council agreed to remove sandwich boards from the streetscape, it would be difficult to implement mid-year as businesses would have been issued with a 2006/07 sandwich board license and paid their annual license fee. Because of this, it is recommended that this initiative is given effect from the beginning of the 2007/08 financial year, which will also give Council officers and businesses sufficient time to prepare for the removal of sandwich boards.

It is also recommended that the Council consider working with collections of businesses located above or below the ground floor (e.g. Capital on the Quay on Lambton Quay) or down side malls (e.g. Left Bank on Cuba Mall) to introduce appropriate signage where possible. This could consist of having one permanent sign that contained the names of the businesses in these areas. The costs and payment responsibilities will be worked through during the consultation process.

12.2 Outdoor Café Seating

Outdoor café seating ('outdoor seating') is an integral part of Wellington's sense of place and helps to make streets more pedestrian friendly, lively and safe by encouraging people to stop and participate in the streetscape. Outdoor seating can also add significant value to cafes, bars and restaurants through increased customer capacity and increased customer demand.

The existing policy permits outdoor seating as long as the outdoor seating does not interfere with the minimum unobstructed footpath widths. In general, it is recommended that the Council encourage outdoor café seating because it adds to the quality, vibrancy and safety of public spaces. However, if outdoor seating is not managed well it can clutter the footpath and create obstacles for safe and efficient pedestrian movement.

The draft Outdoor Café Seating Policy Guidelines (attached as appendix 1C) have been developed to ensure:

- outdoor seating does not interfere with safe and efficient pedestrian flows
- outdoor seating is permitted providing it does not interfere with minimum unobstructed footpath widths mentioned above
- businesses have a clear understanding of the application process and what is and is not permitted with regards to outdoor seating
- outdoor seating adds to the quality, safety and vibrancy of public spaces
- Council officers have a clear policy to guide decisions relating to outdoor seating.

12.2.1 Key Recommendations for Outdoor Seating Areas

The following list outlines some of the key issues and recommendations relating to the Outdoor Café Seating Policy Guidelines:

- location of outdoor seating area – outdoor seating should only be allowed adjacent to the business with the pavement permission and should be removed when the area is not in use
- unsuitable locations – some areas are not ideal for outdoor seating such as areas with steep footpath slopes, the kerb line of street corners, pedestrian crossing entrance points, elevated areas without proper safety rails or certain civic or cultural areas
- veranda space prioritised for pedestrians – if veranda space is not deemed sufficient enough to cover outdoor seating and pedestrians, priority will be

awarded to the pedestrians and the Council may require the outdoor seating to be located along the kerb line

- quality of outdoor seating – outdoor seating must be high quality and all outdoor seating must be approved by the Council
- permanent barriers and fixtures – permanent barriers, screens and fixtures for wind protection or amenity are generally not permitted as they close off the outdoor seating area and restrict the openness of the streetscape. The Council will evaluate the necessity of permanent screens for safety reasons on a case-by-case basis
- temporary barriers and fixtures – in general, temporary barriers will be permitted in order to delineate outdoor seating boundaries. They must be setup within the boundaries of the approved outdoor seating area, be removed when the area is not in use and be consistent with the Council's approved standards for temporary barriers
- fees – the existing fees were last set in 1997 and businesses are being undercharged for the use of public spaces. Fees will be re-valued by an independent property consultant and reviewed annually (new fees would be applied in 2007/08), taking into account:
 - current market real estate rates
 - monitoring and enforcement of outdoor seating activities
 - bad weather days inhibiting outdoor usage
 - the limited usage that businesses have of the public space (e.g. no furniture storage or permanent barriers allowed)
 - the vibrancy that outdoor seating contributes to the city
- delineation of outdoor seating area - businesses may be required to mark their outdoor seating area to assist with monitoring of outdoor seating activities and assist the business with keeping patrons within approved areas. The Council will be responsible for managing the marking but costs will be the responsibility of the business
- toilet facilities – businesses must demonstrate that they have sufficient toilet facilities to accommodate extra customers from the outdoor seating area
- management responsibilities – businesses are responsible for cleaning the outdoor seating area, providing ashtrays, keeping patrons within the approved outdoor seating area and meeting host responsibilities under the Sale of Liquor Act 1989 and the Council's Liquor Licensing Policy
- revocation of pavement permission – if the business does not comply with the guidelines on a routine basis, the Council reserves the right to revoke the pavement permission following the set enforcement protocol outlined in the guidelines.

As with the previous policy, businesses must apply to the Council for a pavement permit to put outdoor seating on the footpath. Pavement permissions are valid for one year and must be renewed annually.

12.2.2 Special Permits for Footpath Use

The Council currently allocates special permits for footpath usage for major events such as sporting events, holidays and other special occasions (e.g. movie premiers). Any business or organisation that is interested in using the footpath for a special occasion must receive permission for the Council. Permits are not permanent and businesses and organisations must reapply for permission for each event. The Council sometimes places conditions on the permit such as requiring safety barriers, signage or ramps (ramps are needed if the pedestrian thoroughfare goes down or up the curb).

The only recommended change to the Council's current standards is to require that businesses or organisations maintain at least 1.2 metres of footpath space or pedestrian thoroughfare. In some situations, businesses are taking over the entire footpath and pedestrians sometimes walk into vehicle lanes rather than crossing the street to avoid the footpath blockage. This creates potentially unsafe situations and maintaining a secure pedestrian thoroughfare should eliminate this issue.

12.3 Footpath Widening to Accommodate Outdoor Seating

The Council occasionally receives requests to widen the footpath in areas where there is insufficient room to accommodate outdoor seating. The Council's Central City Streetscape Plan identifies the streets in the CBD that would be appropriate for footpath widening projects (primarily streets "slow" or "premier" streets that have high pedestrian volumes and lower vehicle movement). There is no policy in place to process the requests and while the widening projects have generally been successful (both the Council and businesses are satisfied with the results), it is important to establish a framework for processing the requests to ensure consistency and transparency. Table 6 below outlines some of the businesses that have received approval to widen the footpath in recent years.⁹

Table 6: Previous Privately Funded Footpath Widening Projects

Business	Street	Year	Car Parks Removed
Vista	Oriental Parade	1994	2
Arizona Bar	Cnr Featherston St. and Grey St.	1998	none (road space)
Leuven Belgian Beer Cafe	Cnr Featherston St and Johnston St	1998	2
The Black Harp	Cnr Featherston St and Johnston St	2000	2
The Tasting Room	Courtenay Place	NA	2
Europa	Oriental Parade	2006	2
Bordeaux Bakery and Juniper	Cnr Featherston St and Johnston St	2005	2

⁹ The businesses paid for the design plans and construction. Design plans were approved by the Council before construction to ensure consistency with the Council's streetscape standards. The Council retains ownership of the footpath with these initiatives.

Options for permitting footpath widening projects were considered by officers in conjunction with the several strategic initiatives that are under development such as:

- Parking Policy review
- bus priority measures
- Walking Plan
- Central City Development Framework.

The policies and initiatives mentioned above will together provide a framework for considering balanced parking provision, travel demand management and enhancement of the central city area. It is therefore recommended that the Council consider footpath widening projects in the development of these policies and initiatives. The removal of on-street car parks for private footpath widening will not be approved until these large strategic issues have been addressed. This recommendation will ensure that the Council does not approve any private footpath widening projects that may conflict with future development of a balanced parking provision, bus-priority lanes or future streetscape projects.

12.4 Street Performance and Busking

The original Street Performance and Busking Policy was passed in 2001. The handbook was developed to help performers, residents, businesses and visitors understand the rules around performing in Wellington's streets. The handbook was reviewed to ensure it incorporated the principles of Footpath Management Policy and to address issues that have developed since 2001.

Overall, the handbook has been an effective tool for ensuring that street performances do not impact pedestrian movement and pedestrian safety and that street performers understand the conditions for performing.

The primary issue regarding street performances is noise levels with most complaints coming from inner-city residents about sound performances. Other amendments include extending the license periods to make administration of street performance activities easier for officers. The list below details the key amendments to the Street Performance and Busking Handbook (attached as appendix 1A):

- placing more emphasis on the limits for sound performances as these performances make up the majority of complaints to the Council
- outlining the minimum unobstructed footpath width standards to ensure pedestrian flows are not affected (see section 10 of this report)
- outlining the process for withdrawal of the street performance license due to non-compliance with the guidelines
- providing more clarification about how street performers can solicit money, specifically, that street performers are not permitted to approach individuals
- extending the Street Performance License from six months to twelve months
- extending the Special Performance License from three months to six months
- prohibiting the use of fire works in street performances for safety reasons.¹⁰

¹⁰ The only flammable substance currently permitted is kerosene.

12.5 Retail Displays

Retail displays are used to increase sales and attract customers into shops. They are a temporary component of building frontages and can both enhance as well as detract from the quality, variety and vitality of building frontages depending on their appearance. The quality of building frontages facing the footpath is an extremely important factor for the quality of an urban area. More importantly, if retail displays are not properly managed they can create obstacles for pedestrians and impede pedestrian flows.

The existing Footpath Management Policy allows retail displays and requires businesses to receive approval and pay a fee for usage of the footpath. However, the Council has not administered or monitored this activity and currently businesses are placing displays on the footpath without approval. It is recommended that the Council continue to allow retail displays and that officers implement the conditions discussed above. The following list contains some key conditions for having retail displays (the complete guidelines are attached as appendix 1B):

- businesses wanting to put retail displays on the footpath or other pedestrian areas must apply to the Council for a retail display pavement permit
- must not interfere with the minimum unobstructed footpath widths mentioned in section 11
- must not obstruct access to or egress from premises in line with regulations such as fire regulations
- shall be placed on the footpath immediately in front of the building and shall not exceed more than 800mm onto public footpath space (this is a change from the previous standard of 500mm)
- shall be safe, high quality, tidy, stable and wholly contained within the display area (to the satisfaction of the Council)
- retail displays containing food must comply with all aspects of the Food Hygiene Regulations (1974)
- must be removed from the footpath outside of the businesses trading hours
- businesses will be charged a fee that takes into account:
 - current market real estate rates
 - monitoring and enforcement
 - bad weather days
 - the limited usage that businesses have of the public space (e.g. no storage allowed)
 - the vibrancy that retail displays contribute to the city.

12.6 Street Appeals

Non-profit organisations use annual street appeals to provide funding for their services. The Council has been supportive of these charitable activities in the past and

worked with organisations to ensure that street appeals do not conflict with each other. Table 7 below contains the number of street appeals conducted in recent years.

Table 7: Number of Street Appeals from 2003

Year	Number of Street Appeals
2006*	59
2005	59
2004	56
2003	53

*Expected number of street appeals.

There are no significant changes recommended to the approach to street appeals but there is added emphasis on ensuring that street appeals do not obstruct pedestrian movement or entrances to businesses, residences or other buildings. The main conditions for street appeals include:

- organisations are permitted to have one appeal date per year
- the Council tries to limit street appeals to one per week but is flexible
- street appeals must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas
- collectors must not block the entrances to businesses, residences or entrances to public buildings
- if the street appeal impacts on traffic flows or parking spaces, other permissions may be required from the Council
- collectors should be clearly identified and display the name of their organisation and their appeal.

See the complete Street Appeals and Charity Stalls Policy Guidelines are attached as appendix 1D.

12.7 Street Vending

Currently, street vending is generally prohibited in Wellington but the Council does lease a few sites for food vending and makes some exceptions to approve charitable stalls. The Street Vending Policy Guidelines will provide a framework for addressing requests to conducting trading activities in public places. The draft policy review relating to street vending will be brought to this Committee and once approved, will go out for consultation as part of the draft Footpath Management Policy in August-September 2006.

13. Communication, Monitoring and Enforcement

The recommendations of the draft Policy will have an impact on businesses through the removal of sandwich boards, tighter monitoring and standards for outdoor café seating and retail displays, increased fees for outdoor seating and the initiation of fees for retail displays. It is acknowledged that retailers, eateries and bars are an important component to the city's economy and they add vitality to the city. The draft Policy

does not intend to restrict businesses or economic growth, it is designed to achieve the right balance between private activities and the pedestrian right-of-way. In some areas, private activities are currently given precedence over the primary function of footpaths: having an efficient, safe and attractive thoroughfare for pedestrians.

The review of Footpath Management Policy identified insufficient monitoring and enforcement as a key issue. The 1995 Footpath Management Policy established that the primary purpose of footpaths is safe and efficient pedestrian movement and it established reasonable conditions for retail activities so that pedestrian movement is not impeded. The 1995 policy also set up a system that relied strongly on self-regulation by businesses.

Some businesses have taken advantage of self-monitoring and are not complying with the conditions of the policy. This may be through lack of knowledge of the Footpath Management Policy or blatant disregard. While pedestrians are generally able to safely navigate footpaths and pedestrian spaces, the ongoing non-compliance is inconsistent with establishing a pedestrian-friendly city and ensuring the Council approve private activities on public spaces (Public Space Bylaw). In some cases, the non-compliance is leading to a privatisation of public space by businesses routinely using the footpath space without approval by the Council and dominating public space.

To ensure that Wellington is a pedestrian-friendly city where the needs of pedestrians have priority over retail activities, officers will increase the levels of monitoring and enforcement. The following monitoring and enforcement systems have been or will be initiated to ensure that permit holders for non-pedestrian activities are compliant with the policy and that the activities do not interfere with safe and efficient pedestrian movement:

- the BCLS liquor licensing team will conduct random checks of licensed premises in Wellington every six weeks, which includes ensuring outdoor seating areas are complying with the conditions of their outdoor seating permit
- the Council has contracted a security firm to monitor the activities of street performances and buskers on weekend nights with a special focus on sound performances
- the Council will amend the contract of Walkwise to include monitoring the activities covered in the Footpath Management Policy. Walkwise staff will not be involved with enforcement but will note incidents of non-compliance and report it to officers for action.

Following public consultation, officers will prepare a comprehensive communications and marketing plan for consideration by this Committee to ensure the key messages and implementation strategies of the Policy are clearly articulated to businesses and the public alike.

13.1 Proposed Enforcement Process

The proposed standard protocol for non-compliance is as follows for businesses, individuals or groups that have permission to conduct activities outlined in this policy:

- a. if a permit holder does not comply with the conditions of the Footpath Management Policy, the Council will verbally notify the business, individual or group of the issue and provide a warning of the consequences of future infringement
- b. for a second infringement, the Council will provide a written warning to the business, individual or group
- c. for a third infringement, the Council will consider revoking the pavement permit for the activity and confiscating items located on public space.

Businesses, individuals or groups that conduct private, non-pedestrian activities on footpaths or other public spaces without a pavement permit will be asked to stop and requested to remove any items located on the footpath. They will also receive a written warning from the Council.

If the party continues to infringe without a pavement permit, the Council reserves the right to confiscate any items placed on public places under part 1.15.1 of the Wellington Consolidated Bylaw, "Any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw." The Council may "recover expenses incurred through the removal or confiscation of items placed on public spaces" as indicated in part 1.15.2 of the Wellington Consolidated Bylaw.

14. Consultation

If the Committee agrees to consult on the draft Footpath Management Policy, the draft Policy will be available for public consultation from August-September. The draft Street Vending Policy Guidelines will be part of this consultation. Officers will report back to the Committee on submissions received and/or heard and any recommended changes to the draft Policy in October 2006. An outline of the draft consultation plan is attached as appendix 4.

15. Conclusion

The Strategy and Policy Committee agreed in November 2005 to undertake a review of the Footpath Management Policy (1995). The draft Policy (attached as appendix 1) establishes a framework to ensure pedestrian efficiency and safety and outlines the conditions for permitting private, non-pedestrian activities on public footpaths. It is recommended that the Committee agree to undertake public consultation on the draft Policy.

Contact Officer: *Zach Rissel, Policy Advisor*

Supporting Information

1) Strategic Fit / Strategic Outcome

See section 6 for a summary of the strategic fit.

2) LTCCP/Annual Plan reference and long term financial impact

There are no budget implications from this decision. There could be loss of revenue from the sandwich boards administration but this should be made up through increased revenue from outdoor seating areas and retail displays.

3) Treaty of Waitangi considerations

No significant Treaty implications.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

The draft Footpath Management Policy has been developed in consultation with internal and external parties. It is recommended that the Committee agree to undertake public consultation on the draft policy.

b) Consultation with Maori

Consultation with Maori will be undertaken as part of the public consultation.

6) Legal Implications

No legal advice has been received for this report.

7) Consistency with existing policy

This report makes recommendations which are consistent with the existing Wellington City Council Road Encroachment Policy, Public Places Bylaw and relevant Council strategies.

DRAFT

FOOTPATH MANAGEMENT POLICY

June 2006

1. INTRODUCTION

The primary use for footpaths is for pedestrian movement. The footpath is also used for a variety of other activities such as outdoor café seating and street performances. These activities contribute to the character and vibrancy of our public spaces but they can sometimes interfere with safe and efficient pedestrian movement. The Footpath Management Policy provides guidelines on the permitted activities on Wellington's footpaths and reinforces the pedestrian-priority principle.

2. PURPOSE

The purpose of this Policy is to provide a balanced framework that ensures safe and efficient pedestrian movement on footpaths (pedestrian priority) and establishes guidelines for the best use of footpath areas for other activities.

3. SCOPE OF POLICY

The Footpath Management Policy will provide guidelines and prioritisation for the following activities on footpaths:

- pedestrian movement and storage
- street performances and busking
- retail stands
- sandwich boards
- outdoor café seating and street furniture
- footpath extensions to expand café seating
- street appeals and charity fundraising stalls
- street vending.

4. PRINCIPLES

The following principles have been established to guide decision making for the Footpath Management Policy:

- the Council's decisions on permitting activities on footpaths should be reflective of its strategic vision for the city
- pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible
- Wellington streetscapes should be vibrant, safe and attractive
- Wellington streetscapes should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment

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- businesses, groups and individuals should be encouraged to use Wellington footpaths for non-pedestrian activities in a fair and balanced way that does not impact safe and efficient pedestrian movement
- businesses, groups and individuals that are permitted to use public space for private activities are responsible for managing these activities in accordance with Council guidelines.
- private initiatives that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted
- Wellington should have a balanced parking provision that takes into account the Council's long-term strategic goals for transport in the City.

5. PEDESTRIAN MOVEMENT

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement and storage (e.g. stopping and sitting). Activities that interfere with pedestrian flows can create pedestrian congestion, obstacles and safety hazards. The Council requires that minimum unobstructed footpath widths are maintained to ensure that pedestrian priority and safe and efficient pedestrian movement is upheld. The minimum widths are determined by the amount of pedestrian usage.

There are three tiers of minimum footpath width:

- 4 metres for Lambton Quay and Willis Street
- 3 metres for Manners Street, Manners Mall, Dixon Street, Cuba Mall and Courtenay Place
- 2 metres for all other locations in the city.

All permitted activities on footpaths must not interfere with the minimum unobstructed footpath widths.

6. STREET PERFORMANCES AND BUSKING

The Council permits street vending and busking in accordance with the conditions outlined in the Street Performance and Busking Policy Handbook (attached as appendix 1A). Individuals or groups that want to conduct a street performance in Wellington must be familiar with the guidelines in the handbook and receive a Council issued Street Performance and Busking License. The licenses are valid for one year. There are no fees for applying for a street performance and busking license.

Street performances that involve dangerous materials require a separate approval to ensure the performance will not create a hazard to the performer or the public.

7. STREET VENDING

Currently, street vending is generally prohibited in Wellington but the Council does lease a few sites for food vending. The Street Vending Policy Guidelines provide a framework for addressing requests to conduct trading activities in public places (these will be presented to Committee in July 2006).

8. RETAIL DISPLAYS

The Council permits retail displays on public footpaths in accordance with the conditions outlined in the Retail Display Policy Guidelines (attached as appendix 1B). Businesses wanting to put up a retail display on public footpath space or pedestrian areas must be familiar with the Retail Display Policy Guidelines and must receive permissions from the Council. The Council charges a fee for use of the footpath for retail displays, which is reviewed annually.

9. OUTDOOR CAFÉ SEATING

The Council permits outdoor café seating ('outdoor seating') on public footpaths in accordance with the Outdoor Café Seating Policy Guidelines (attached as appendix 1C). Businesses wanting to put up outdoor seating on public footpath space or pedestrian areas must be familiar with the Outdoor Café Seating Policy Guidelines and must receive permissions from the Council. The Council charges a fee for use of the footpath for outdoor seating areas, which is reviewed annually.

9.1 SPECIAL PERMITS FOR FOOTPATH USAGE

The Council allocates special permits for footpath usage for major events such as sporting events, holidays and other special occasions (e.g. movie premiers). Any business or organisation that is interested in using the footpath for a special occasion must receive permission from the Council. Permits are not permanent and businesses and organisations must reapply for permission for each event.

The Council requires that at least 1.2 metres of footpath space or pedestrian thoroughfare is maintained for these permits. The Council may place conditions on the permit such as safety barriers, signage or ramps (ramps may be needed if the pedestrian thoroughfare goes down or up the curb). Businesses must provide a detailed plan in their application for a special permit that includes:

- all street fixtures (e.g. rubbish bins, utility poles)
- the proposed area for special use
- the proposed pedestrian thoroughfare
- tables, chairs and other fixtures
- tents or marquees
- signage
- safety barriers or barriers to delineate pedestrian areas
- requests to use car park space or other road space.

10. SANDWICH BOARDS

Sandwich boards are not permitted on public footpaths in any location in the city. The Council will work with collections of businesses that are located above or below ground level and businesses located on side streets to find suitable alternatives for on-street signage. This may include the installation of a single, permanent, collective display sign that lists the names of businesses located in off-street locations.

11. STREET APPEALS AND CHARITY FUNDRAISING

The Council permits street appeals and charity fundraisers on public footpaths in accordance with the conditions outlined in the Street Appeals and Charity Stalls Policy Guidelines (attached appendix 1D). Organisations that are interested in conducting a street appeal or setting up a charity stall must receive approval from the Council.

12. FOOTPATH WIDENING REQUESTS

The Council occasionally receives requests to widen the footpath in areas where there is insufficient room to accommodate outdoor seating. The Council will be addressing policy options for permitting footpath widening projects through the development of the Parking Policy and Central City Development Plan.

The Council will not approve any private footpath widening projects until these larger strategic policies and initiatives are completed in 2007.

13. MONITORING AND ENFORCEMENT OF THE FOOTPATH MANAGEMENT POLICY

Businesses, individuals and groups are responsible for managing activities on the footpaths in accordance with the relevant policy guidelines for their activity. The Council will also undertake regular monitoring on footpaths to ensure that businesses, individuals and groups are complying with the conditions of this policy.

The standard protocol for non-compliance is as follows for businesses, individuals or groups that have permission to conduct activities outlined in this policy:

- (a) if a permit holder does not comply with the conditions of the Footpath Management Policy, the Council will verbally notify the business, individual or group of the issue and provide a warning of the consequences of future infringement
- (b) for a second infringement, the Council will provide a written warning to the business, individual or group
- (c) for a third infringement, the Council will consider revoking the pavement permit for the activity and confiscating items located on public space.

Businesses, individuals or groups that conduct private, non-pedestrian activities on footpaths or other public spaces without a pavement permit will be asked to stop and requested to remove any items located on the footpath. They will also receive a written warning from the Council.

If the party continues to infringe without a pavement permit, the Council reserves the right to confiscate any items placed on public places under the part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw. The Council may recover expenses incurred through the removal or confiscation of items placed on public spaces as indicated in part 1.15.2 of the Wellington Consolidated Bylaw.

**STREET PERFORMANCE AND BUSKING POLICY
HANDBOOK**

JULY 2006

APPENDIX 1A

A message from the Mayor

Wellington is without a doubt New Zealand's most creative city. As such, we are home to some of the most, talented and exciting performers in the country – including those who perform on the streets. Buskers and street performers help to enhance Wellington's reputation as the energetic and interactive, cultural and entertainment capital.

We at the Council welcome the opportunity to support high-quality street performances. We want to build on our already well-known reputation as a busking friendly city – one that delights both locals and visitors alike.

But to do that, we have to take into account both the needs of our inner city residents, the needs of pedestrians and the needs of our street performers. This handbook has been developed to help performers, residents, pedestrians, retailers, workers and visitors understand the rules around performing on Wellington's streets. It allows us to outline to everyone what is allowed, while still supporting our vibrant street performance culture.

Kerry Prendergast
Mayor of Wellington

Definitions

Busking is street performance where performers accept money from the public.

Circle acts are performances lasting 20-40 minutes that encourage the audience to stop and watch or participate in the performance.

Dangerous materials or objects are materials and objects that could be a risk, or hazard to the public and performers.

- dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements, or anything giving off heat or toxicity that could harm or damage the public or the environment.
- dangerous objects include whips, knives, spears, swords, spikes, chainsaws and sharp objects of any kind that could harm the public or performer.

Pitch is a site where busking or street performance takes place. The size of the pitch is set by the boundaries of equipment, props, participants or movements that are part of the performance.

Public places are places in the city managed by Wellington City Council where busking is permitted. This includes streets, footpaths, pedestrian malls, squares, parks and the waterfront.

Quiet performances are performances with no noise associated with the performance such as amplification, musical instruments, singing, noise making objects or speaking in a loud voice. They can involve up to four voices at a time, if the tone is conversational.

Reasonable background noise is an assessment made by Wellington City Council noise control officers when measuring the sound volume of a street performance. The assessment takes into account the location, time, day of week, weather and traffic conditions and other activities happening in the area.

Sound performance are performances involving amplification, musical instruments, singing, other noise making objects (such as tools, chainsaws, sticks or motors), loud voices or more than four voices.

Squatting or holding a pitch occurs when a person occupies a performance site so they can perform there later.

Street performance or busking is an performance in a public place, which usually involves requests for money. Performances include musical, theatrical, juggling, circus performance pavement art, speeches, poetry or doing other acts of a similar nature in public places.

Roaming acts are performances that do not take place in a single pitch/site but involve the performer(s) moving around and mingling with the public.

Walkby acts are spontaneous and can last much longer than a circle act and do not require the public to stop and watch.

Street performance in Wellington – how it works

1. Street performances are permitted in public places where performances do not affect public safety and do not interfere with pedestrian or traffic flow, business activity, or residential living.
2. Sound performances should not reach an unreasonable level of volume and should be considerate of the general public.

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3. Access to favourable street performance pitches is to be fairly shared among buskers, to give residents, retailers and workers a variety of performance.
4. Access to a street performance license is unrestricted unless a performer does not comply with the conditions of the license. The Council can refuse to issue or cancel the license of any street performers they believe is not complying with the street performance guidelines.
5. Street performances are a valid way for people to make money but members of the public should not feel coerced to give money.
6. The use of fire and potentially dangerous implements must not endanger the public, the performers, property or the environment.

Rights and responsibilities for performers and the public

Street performers have the right to:

- perform in any one pitch for up to 1½ hours per day
- occupy a pitch for 2½ hours
- receive voluntary donations by holding a container or by placing a container on the ground
- have a written sign asking for donations
- ask the audience for donations without approaching individuals for money.

Street performers have the responsibility to:

- show their license when asked
- comply with licence conditions
- co-operate if complaints are received from the public.

Members of the public have the right to:

- not give money to a street performer
- make a complaint if they believe the performance does not comply with the conditions in this Handbook.

Street performance licences – What they're all about

1. All buskers and street performers must hold a current Wellington City Council street performance licence. Proof of identity is required when the application is lodged. Licences are free and valid for 12 months. After 12 months street performers can reapply for a new licence.
2. The street performance license is designed to protect both the performers and the public. License may be withdrawn if the performer does not comply with the license conditions.
3. Licences can be issued to individuals or groups.
4. Licences cannot be transferred to other performers.
5. Street performers must display, or make available to Council officers or any member of the public, their street performance licence whenever they perform.
6. Street performers under twelve years of age need permission from a parent or guardian to apply for a street performance licence. Wellington City Council recommends that street performers under twelve be supervised by an adult at all times when performing.
7. Street performance involving dangerous materials or objects requires a special street performance permit. For information on how to obtain a special street performance permit, please see the Code of Practice for Using Hazardous Materials in a Street Performance attached as insert 1.

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8. Performers (not using dangerous materials or objects) employed for a scheduled street event approved, or organised, by the Council (including protests, community festivals and commercial promotions) do not need a street performance licence for that event. However, organisers of street events must ensure that the street performance standards are complied with, or obtain approval for exemption from the conditions.

How to get a license

You can get a license by going to any Council Service Centre, filling out an application form and showing proof of your identity to staff. A license will be issued straight away as long as the street performance activity complies with the conditions of this handbook.

Street performance conditions – what you can and cannot do

1. Anyone performing or busking in any public place (unless employed for an approved event) must hold a current Wellington City Council street performance licence.
2. Performance can only take place in the following locations with permission from the appropriate authority:
 - Civic Square (Wellington City Council- 499-4444)
 - Parks and reserves (Wellington City Council- 499-4444)
 - Waterfront (Wellington Waterfront Limited- 495-7820)
 - Te Papa forecourt (Te Papa Tongarewa – Museum of New Zealand-381-7000).
3. Noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres (horizontal or vertical) from where the performance is taking place.
4. Quiet walk-by acts and quiet roaming acts ¹¹ may be performed at any time and in any public place in Wellington, including the Railway Station subway and forecourt but excluding those named in condition two, so long as all the street performance conditions are met.
5. Sound performances should be considerate of other pedestrians and should not exceed a reasonable background noise. The following special conditions apply to sound performances:
 - sound performances that meet all street performance conditions are allowed in any public place in Wellington, between 7am and 9pm.
 - sound performances that meet all street performance conditions are also allowed in the following locations between 9pm and 3am:
 - Courtenay Place from Cambridge Terrace to Tory Street
 - Cuba Mall from Manners Street to Dixon Street
 - the Railway Station subway and forecourt.
 - sound performances should be separated by a minimum distance of 50 metres
 - the Council reserves the right to place special conditions on sound condition permits such as maximum amplification for amplifiers and restrictions on drums and bag pipes
 - after 9pm, sound performances should avoid setting up within 30 metres from residences, apartments, motels, hotels, hostels or any other form of accommodation. Sound performances that receive complaints from residences or

¹¹ See definitions on inside cover.

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accommodation facilities may be requested to setup in different locations through a special condition on the license.

6. Circle acts are only allowed in the following public places:
 - Cuba Mall
 - Manners Mall
 - Courtenay Place
 - Railway Station subway and forecourt
 - Oriental Parade.
7. If a street performer is performing immediately outside retail premises, and is asked by the retailer to move on, they must do so.
8. Street performers or their audiences must not at any time block:
 - footpaths
 - shop doorways (during business hours)
 - residential doorways
 - bus stops
 - corner crossing and pedestrian crossings
 - fire escapes.

The following minimum unobstructed footpath widths must be maintained in the given areas to carry out a street performance:

- 4 metres for the Lambton Quay and Willis Street
- 3 metres for Manners Mall, Cuba Mall, Courtenay Place, Willis Street and Dixon Street
- 2 metres for all other locations in the city.

Performers must ensure that wheelchair access is maintained around the site in which they are performing.

9. The maximum performance time is 90 minutes.
10. Each performer or group of performers can occupy a site for a maximum time of 150 minutes (including no more than 90 minutes of performance) per day in any one site. Performance and/or occupation of a site do not have to be continuous. The remaining 60 minutes of non-performance time is available for any of the following non-performance activities: setting up, breaks, packing down.
11. Street performers can receive voluntary donations by holding a container or by placing a container on the ground. Street performers can have a written sign asking for donations and can ask the audience for donations but they cannot approach individuals for money.
12. Performers using dangerous materials or objects are required to be skilled and experienced in using these materials. They must also have an understanding of, and commitment to safety for the public, themselves, and the environment.
13. Performers can only use dangerous materials and objects if they hold a special permit to do so, and comply with the terms and conditions in the Code of Practice in addition to the conditions of a general street performance licence. Special street performance permits

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require peer endorsement from two peers approved by the Manager of Recreation Wellington. The Special Permit is valid for three months from the date of issue.

Complaints

If you believe a street performance does not comply with the Council's street performance conditions, you can:

- talk to the performer(s) and explain what you want them to do differently (e.g. perform somewhere else or perform more quietly)
- ask to see their street performance licence and note their licence number so they can be contacted by the Council
- lay a complaint with the Council by ringing 499-4444. Council operators are available 24 hours a day.
- lay a complaint with Police (if the performer is drunk, violent, indecent, disorderly or behaving offensively).

When you are laying a complaint about a street performance or performer it is helpful if you provide the following information:

- your name and contact details
- the performer's name and licence number
- the time the performance started
- the type of performance
- your objections to the performance or how the performance is not complying with the Council's Street Performance and Busking Policy.

Once the complaint is received, a Council officer will investigate and take appropriate action.

Monitoring and Enforcement of Street Performance and Busking Guidelines

The Council will regularly monitor all footpath activities to ensure they comply with Council guidelines, including street performance and busking.

If a licensed street performer is not complying with the guidelines outlined in this handbook, the Council will undertake the following steps:

- give that performer a verbal warning and identify the issues that need to be resolved such as noise levels, location or safety issues
- issue a written warning for a second incident of non-compliance
- revoke the Street Performance Licence for the third incident of non-compliance.

Individuals or groups performing without a licence will be asked to stop performing and advised to apply for a Street Performance Licence.

Guidelines for organising street events

The following guidelines apply to organisers of street events:

- people organising street events including parades, festivals, marches and protests have to get approval from the Council for using public roads

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- if the event includes performance, the performers are not required to hold street performance licences as the organisers are responsible for ensuring the performance complies with the conditions in this guide. Organisers should ensure performers get a copy of this guide and make sure all performers understand the street performance conditions
- if the organiser wants a performance that will not comply with the street performance conditions, they must obtain written permission from the Council for exemption
- if the performance will involve dangerous materials or objects, the performers must hold a current Special Permit and comply with the Code of Practice
- for further information about planning an event that will impact on a road, see the 'Planning a Street Event' brochure available from Council Service Centres, or contact Council on 499-4444.

Liability

Street performers will be responsible for claims made against them for personal injury or property damage. Wellington City Council is protected by its insurance against legal liability arising from busking and street performance activities. Buskers and street performers are not protected by the Council's public liability insurance and are encouraged to hold their own public liability insurance.

Ways to get support for street performance

Community groups interested in developing street performance shows or workshops for young people to learn performance skills may be eligible for Arts and Culture, Youth Development or Community grants. Application forms and funding criteria can be obtained from the Council's grants officer. Assistance and advice about preparing grant applications is available from the Council's Community Services Unit. Please contact them on 499 4444.

Street performers interested in supporting community groups and helping young people to devise street performances should contact the Community Services Unit.

Performers interested in participating in scheduled night time street events should contact the Council to discuss event coordination on 499 4444.

Need more information?

GIVE US A CALL AT 499 4444

To inquire about street performance licences and special permits –
Events Coordinator, Traffic Operations

To complain about a street performance or busker –
Wellington City Council Call Centre

To organise a street event –
Events Coordinator, Traffic Operations

To find out about community grants –
Grants Officer, Recreation Wellington

To talk about youth events –
Youth Projects Co-ordinator, Community Services

To comment on the street performance policy –
Policy Advisor, Policy Unit

CODE OF PRACTICE - Use of Dangerous Materials and Objects in Street

Performance

1 Introduction

- 1.1 Wellington City Council recognises that some street performers use dangerous materials and objects in their performances and that performances with these items are popular with the public.
- 1.2 The purpose of the Code of Practice is to ensure the use of dangerous materials and objects is restricted to street performers who have skills and experience in their use, and who are maintain high safety standards for themselves and the public.

2 Approved sites for using dangerous materials and objects

- 2.1 There are three approved locations for street performance involving dangerous materials and objects: Cuba Mall, Manners Mall and the Courtenay Place circle. Performances with dangerous materials or objects can also take place in Civic Square, on the waterfront and in City parks with written permission from the appropriate authority.

3 Special street performance permits

- 3.1 Street performers using dangerous materials and objects must hold a current special street performance permit to use these items in their acts.
- 3.2 Special street performance permits are free of charge and valid for 6 months.
- 3.3 Special street performance permits require peer endorsement from two peer reviewers approved by the Wellington City Council. Please note:
 - a performer renewing their permit within one year of expiry is not required to undergo the peer endorsement process
 - a performer renewing their permit more than one year from the expiry date is required to undergo the peer endorsement process
 - organisers of festivals that include international street performers using dangerous materials or objects can obtain peer endorsement on behalf of a performer by providing a detailed description of the show, and an assessment of its safety standards and references.
- 3.4 All general conditions applying to street performance licences also apply to the special street performance permit.
- 3.5 Street performers holding special street performance permits must have the permit with them while performing with dangerous material and objects, with the permit either on display or ready to show to any Council officer or member of the public who asks to see it.
- 3.6 A special street performance permit may be withdrawn if any of the conditions of the street performance license or Code of Practice is not met. Any performer whose permit is withdrawn is not eligible to reapply for at least one year.

4 Conditions for special street performance permits

- 4.1 The only flammable liquid/hazardous substance permitted in street performance acts is kerosene. All other flammable liquids and hazardous substances are not permitted.

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- 4.2 Fireworks are not permitted in street performances.
- 4.3 Street performers holding a special street performance permit must meet the following conditions when using dangerous materials or objects in their acts.
- define the performance space by setting a visible boundary of at least two metres between the performer and the audience, using one of the following options:
 - rope or chain
 - chalk line that is removed once the performer has completed the act.
 - include a fire blanket or fire extinguisher in their performance kits when using kerosene, and ensure it is visible and accessible throughout the performance
 - store and transport kerosene in:
 - portable, unbreakable, closed containers of a 5 litre maximum capacity (for example, a plastic squeeze bottle for accurate fuel application);
 - containers should be clearly labelled 'KEROSENE/POISON'
 - prevent kerosene fuel from being dripped, tipped or flicked onto people, vegetation, or property. Kerosene stains on ground surfaces must be removed immediately following the end of the performance
 - all dangerous objects (including chain saws, knives, swords and mechanical devices) used in a performance must be blunted so they are incapable of piercing human skin when pressure is applied directly.

5 Restrictions on special street performance permits

- 5.1 The same restrictions applying to holders of street performance licences apply to holders of special street performance permits.
- 5.2 Special street performance permits are only issued to individual street performers, not groups. Each performer in a group must hold a current special street performance permit if they are to use dangerous materials or implements.
- 5.3 Wellington City Council reserves the right to withhold permission for street performances involving fire if a fire ban is in force in the city.

6 Special street performance peer review – How it works

Peer review is the process of discussing or viewing a performer's act and making sure all the safety issues have been considered. Because each performer is unique, the best way to assess the safety of an act is for a performer's peers to review it and give their opinion.

Peer review for safety is to assess whether a performer has considered safety and whether they are aware of basic safety principles.

Peer review doesn't guarantee that an act is 100% safe but instead assesses whether a performer is aware of the risks of working with fire and other dangerous objects and committed to minimising those risks at all times.

Peer reviewers are experienced local performers. Two peer reviewers will meet with a performer to discuss the show and if necessary view part of the performance. Performers need to contact the peer reviewers to arrange a review time. Contact numbers for peer reviewers are on the special license application form. Peer reviewers will try and assess all acts as quickly as possible.

Any performer who does not pass the peer review will not be permitted to perform in Wellington using dangerous materials or objects. They will still be able to perform without using dangerous materials or objects.

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POLICY GUIDELINES FOR RETAIL DISPLAYS ON FOOTPATHS

1. INTRODUCTION

Retail displays are used by businesses to help increase sales and attract customers into shops. They can both enhance as well as detract from the quality and vitality and variety of building frontages depending on their appearance and location. The quality of building frontages facing the footpath is an extremely important factor for the quality of an urban area. More importantly, if retail displays are not properly managed they can create obstacles for pedestrians and impede pedestrian flows.

2. PURPOSE

These policy guidelines outline the conditions for using retail displays, the process for applying to put a retail display on a footpath or a pedestrian area and the Council's process for handling incidents of non-compliance.

3. SCOPE OF POLICY

These policy guidelines apply to all businesses that want to put retail displays on the footpath.

4. CONDITIONS FOR RETAIL DISPLAYS

The Council will permit retail displays on public footpaths in accordance with the conditions outlined below:

- businesses wanting to put retail displays on the footpath or other pedestrian areas must apply to the Council for a retail display pavement permit
- businesses without a retail display pavement permit will not be permitted to display goods on the footpath
- retail displays will only be permitted on footpaths or other pedestrian spaces and are not permitted on the road including parking spaces, loading zones, bus stops and taxi stands
- retail displays must not interfere with safe and efficient pedestrian movement and the following minimum unobstructed footpath widths must be maintained:
 - 4 metres for Lambton Quay and Willis Street
 - 3 metres for Manners Street, Manners Mall, Dixon Street, Cuba Mall and Courtenay Place
 - 2 metres for all other locations in the city.
- retail displays must not obstruct access to or egress from premises in line with regulations such as fire regulations
- retail displays shall be placed on the footpath immediately in front of the building and shall not exceed more than 800mm onto public footpath space
- retail displays shall be high quality, tidy, stable and wholly contained within the display area (to the satisfaction of the Council)
- retail displays should be safe and have no sharp edges or protrusions that may create an obstacle or a safety hazard for pedestrians
- retail displays containing food must comply with all aspects of the Food Hygiene Regulations (1974)
- businesses are responsible for cleaning the retail display area and the area immediately surrounding the area, which includes regular sweeping
- retail displays must be removed from the footpath outside of the businesses trading hours.

5. APPLICATION PROCESS

5.1 Applying for a Retail Display Pavement Permit

Businesses wanting to put retail displays in front of their business must apply for a pavement permit. Businesses that do not have a valid pavement permit are not permitted to place retail displays on footpaths or other walkways. Applicants must provide the following information when submitting an application for a retail display pavement permit:

- a fully completed application form
- a site plan of existing conditions at scale that accurately shows
 - the width of the footpath from the building frontage to the kerb edge
 - the proposed retail display area that shows the layout of the display in relation to existing features, including:
 - existing neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking metres, telephone boxes, mail boxes or any other significant features on the footpath
 - an indication of the total area to be used for the proposed retail display (in square metres)
 - a measurement of the continuous width of the unobstructed pedestrian thoroughfare in relation to the retail display
 - the location of all doorways and service openings
- colour photographs of the proposed site that include the proposed retail display area including existing features in the footpath
- colour photographs or architectural drawings of the proposed retail display
- indicate whether the proposed area is covered by a veranda and list the distance between the retail display edge and the veranda edge
- enclose the appropriate retail display fees in accordance with the Council's Schedule of Fees and Charges.

5.2 Approval Process

The Council will consider the application against the conditions mentioned in the above sections. The Council will notify the applicant of the outcome of the approval process. The Council may require modifications with the applicant's proposal and these will be discussed with the applicant before approval is granted.

If the proposed retail display is located in a residential area, the applicant must also apply for a land use consent to undertake a commercial activity in a residential area. Council will consider how the activities from the proposed retail display might negatively impact the amenity of the residential area with special regards to noise levels.

5.3 Fees

The Council requests a fee to put retail displays on public space. The Council will set the fee based on commercial valuation and take into account the following conditions:

- current market real estate rates
- monitoring and enforcement of retail display activities
- bad weather days inhibiting retail display usage
- the limited usage that businesses have of the public space (e.g. no storage of retail displays permitted)
- the vibrancy that retail displays contributes to the city

The fees are required prior to the final approval of the pavement permission.

5.4 Display of Pavement Permit

The pavement permit and approved site plan must be displayed in the business and must be produced on request by an authorised person.

5.5 Period of Permits

The retail display pavement permit will be for one year.

5.6 Conditions of Permits

The applicant must comply with the conditions of the retail display pavement permit. The Council may revoke the pavement permits at any time if the conditions of the approval are not being sufficiently met.

The Council also reserves the right to vary the pavement permit at any time if it is in the public interest to do so. This may be in response to changes in pedestrian patterns. Reasonable notice will be provided.

6. MONITORING AND ENFORCEMENT

The Council will monitor retail display activities in public places regularly to ensure that permit holders are complying with the conditions of retail display pavement permits and that no unauthorised retail displays are located in public places.

The Council reserves the right to revoke the pavement permit for non-compliance issues. The standard protocol for non-compliance is as follows:

- a. if a retail display permit holder does not comply with the conditions of this policy, the Council will verbally notify the business of the issue
- b. if the problem persists, the Council will provide a written warning to that business identifying the issues
- c. if the business continues to infringe, the Council will consider revoking the pavement permit.

Businesses that place retail displays on footpaths or other public spaces without a pavement permit will be asked to remove the display from the footpath and will receive a written warning from the Council. If the business continues to place retail displays on footpaths without a pavement permit, the Council will reserves the right to confiscate the retail display under the part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

The Council may recover expenses incurred through the removal or confiscation of retail displays as indicated in part 1.15.2 of the Wellington Consolidated Bylaw.

Outdoor Café Seating Policy Guidelines

1. INTRODUCTION AND PURPOSE

Temporary outdoor café seating ('outdoor seating') adds to the vibrancy of Wellington's city streets and other public spaces. Outdoor seating is an integral part of Wellington's sense of place and provides the public with an enjoyable leisure option. It can also add significant value to cafes, bars and restaurants through increased customer capacity and increased customer demand.

In general, the Council wants to encourage outdoor café seating because it adds to the quality of public spaces. However, if outdoor seating is not managed well it can clutter the footpath and create obstacles for pedestrians.

This document provides policy guidelines to Wellington businesses and Wellington City Council officers regarding outdoor seating. The Outdoor Café Seating Policy Guidelines have been developed to ensure:

- outdoor seating does not interfere with safe and efficient pedestrian flows
- permit holders have a clear understanding of the application process and what is and is not permitted with regards to outdoor seating
- outdoor seating adds to the quality and vibrancy of public spaces
- Council officers have a clear policy to guide decisions relating to outdoor seating.

2. SCOPE OF POLICY

The Outdoor Café Seating Guidelines applies to all outdoor seating premises located on public land where food and/or beverage are served in the Wellington City Council area.

3. PERMITTED AREAS FOR OUTDOOR SEATING

Outdoor seating may be approved in all of Wellington's open public spaces where:

- there is sufficient footpath or walkway space to allow for outdoor seating and safe and efficient pedestrian flow
- local conditions are favourable to their operation.

These areas will include streets, malls, parks and other public spaces. Some areas may not be ideal for outdoor seating such as areas with steep footpath slopes, street corners, pedestrian crossing entrance points, elevated areas without proper safety rails or civic or cultural areas.

4. PEDESTRIAN PRIORITY AND SAFETY

Outdoor seating will only be permitted when it does not interfere with safe and efficient pedestrian flows. The Council has developed ideal minimum unobstructed footpath widths that apply to different areas of the city. The unobstructed footpath area is dedicated pedestrian walking space and outdoor seating is not permitted in this area. The unobstructed footpath width must take into account existing street fixtures such as benches, bus stops, trees, rubbish bins, utility poles, etc. The following minimum unobstructed footpath widths for the given areas will generally be applied:

- 4 metres for Lambton Quay and Willis Street
- 3 metres for Manners Street, Manners Mall, Dixon Street, Cuba Mall and Courtenay Place
- 2 metres for all other locations in the city.

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The minimum widths are set “generally” because of the large variation in footpath width that exists throughout Wellington and the streets outlined above. The Council may place other minor discretionary modifications to the ideal minimum unobstructed footpath widths as appropriate.

5. LAYOUT OF OUTDOOR SEATING AREA

The layout and orientation of furniture should allow for patrons to move easily throughout the seating area. The Council will not permit seating arrangements in which patrons do not have adequate space to the satisfaction of the Council. The permit holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area.

All outdoor seating should be located adjacent to the permit holder within the confines of their building frontage. The following location options are available to applicants:

- placing outdoor seating adjacent to the kerb line in front of the business
- placing outdoor seating adjacent to the building frontage in front of business
- both of the above options.

The Council prefers permit holders to place outdoor seating adjacent to the kerb line as this provides veranda space for pedestrians and provides more uniformity for a pedestrian thoroughfare. If veranda space is not deemed sufficient (to the satisfaction of the Council) to cover the outdoor seating and pedestrians, the Council may decline requests to place outdoor seating along the building frontage and only approve outdoor seating located along the kerb line. Alternatively, the Council may request a modification to the proposed outdoor seating area to achieve the right balance of unobstructed pedestrian walkway and outdoor seating covered by veranda space.

All outdoor furniture must be at least 0.8m away from the adjacent kerb line to ensure safety of patrons.

All outdoor furniture located against the building edge should not obstruct access to or egress from premises in line with fire regulations.

Outdoor seating will not be permitted on street corner pedestrian crossings or near entry points of designated pedestrian crossings.

The diagrams included in appendix 1 provide examples of how tables and chairs should be set up with a minimum footpath width of 2 metres. The minimum footpath widths would be different for the areas mentioned in section 4.

5.1 Furniture Style

Outdoor seating furniture should be high quality, durable, waterproof and weather resistant and should be designed for outdoor use. Outdoor furniture should integrate well with the surrounding environment and must be safe and comfortable. All outdoor seating furniture, including umbrellas, needs to be approved by the Council. Businesses must provide photographs of the proposed outdoor furniture during the application process.

Permit holders that use outdoor furniture that is not approved by the Council may have their pavement permit revoked.

5.2 Umbrellas

The following conditions must be met for umbrellas:

- must be securely fixed to withstand the effects of wind
- must not interfere with pedestrian movement
- must not penetrate or damage the pavement on Council footpaths
- must be removed in extreme wind conditions
- must be removed when outdoor seating is not in use
- must be well maintained
- design must be approved by the Council.

5.3 Menu Boards

Menu boards for displaying menu items are permitted in the approved outdoor seating area as long as they do not significantly clutter the area for patrons and do not obstruct pedestrian flows. Menu boards should be placed flush against the building. If menu boards are placed outside the approved area the Council reserves the right to remove the boards.

'Sandwich boards' used for advertising are not permitted in approved outdoor seating areas.

5.4 Permanent and Temporary Structural Barriers

Outdoor seating should be open, accessible and inviting to the public. Therefore, permanent glass barriers, screen barriers, planter boxes or other permanent barriers are not permitted on Council footpaths or public spaces. However, the Council will consider the necessity of installing permanent barriers along the kerb line for safety reasons on a case-by-case basis. If the safety barrier is deemed necessary, the costs of installation would be borne by the business.

The use of temporary barriers may be considered to separate adjoining outdoor seating areas and pedestrian thoroughfares. This may include temporary planter boxes, temporary screens or ropes. Temporary screens must be located within the approved outdoor seating area.

All temporary barriers in outdoor seating areas must be approved by the Council. The Council will not approve temporary barriers that negatively affect the quality of public spaces either through aesthetic values or safety (to the satisfaction of the Council).

All temporary barriers must be located inside the approved outdoor seating area and must be removed from the public area when the outdoor seating area is not in use. The Council reserves the right to order the removal of temporary barriers if they are consistently placed outside the approved outdoor seating area and/or they are not removed from the public area when the outdoor seating area is not in use.

Temporary planter boxes must be well maintained by permit holders and the Council reserves the right to order the removal of planter boxes that are not properly maintained, which includes the consistent provision of high quality flowers or vegetation.

5.5 Heating Devices

The type and proposed location of heating devices should be included in Pavement permit applications. The following conditions must be met for temporary heating devices:

- must turn off automatically if overturned
- must be securely fixed and stable to withstand the effects of wind
- must not interfere with pedestrian movement
- must not penetrate or damage the pavement on Council footpaths
- must be removed in extreme wind conditions
- must have sufficient clearance from umbrellas and verandas
- must be removed when outdoor seating is not in use
- must be well maintained
- design must be approved by the Council.

Permanent heating devices that are fixed into the pavement will not be permitted.

6. MANAGEMENT RESPONSIBILITIES

6.1 Monitoring and Maintaining Outdoor Seating Areas

Permit holders are required to continually monitor and maintain the outdoor seating area to the Council's satisfaction. This includes:

- ensuring that outdoor furniture and patrons stay within the approved outdoor seating area
- maintaining outdoor furniture to a high aesthetic standard
- providing ashtrays for tables if smoking is permitted in the area
- cleaning the approved seating area throughout the opening hours including:
 - tables, chairs and immediate pavement surrounds
 - cigarette butts from ashtrays and pavement.
- meeting their responsibilities under the Sale of Liquor Act 1989 and the Council's Liquor Licensing Policy.

When cleaning, permit holders must dispose of rubbish in their own bins. Permit holders are not permitted to dispose of rubbish in Council litter bins or sweep cigarette butts and litter from outdoor seating onto the footpath, kerb channel or street.

Permit holders that do not meet the Council's standards of monitoring and maintenance on an ongoing basis may have their pavement permit revoked or outdoor seating confiscated.

6.2 Toilet Facilities

Applicants must have adequate toilet facilities to cover both indoor and outdoor seating numbers. Inclusion of outdoor seating increases the total number of seats on the premises and an increase in toilet facilities may subsequently be required. Alternatively, applicants can remove indoor seating in preference for outdoor seating if increasing toilet facilities is not a viable option.

6.3 Furniture Storage

All outdoor furniture must be removed from the outdoor seating area and stored away from public areas outside the operating hours of the business or when not in use due to bad weather.

6.4 Markers to Delineate Approved Outdoor Seating Area

All pavement permit holders must have the approved outdoor seating area marked. This will help to ensure that patrons stay within the approved area and will assist permit holders and Council officers with monitoring the approved outdoor seating areas.

The Council will be responsible for determining the level of marking delineation required and will also manage the design, installation and removal of all markers.

In most cases, corner markers will be adequate. The markers must sit flush against the pavement. Barriers such as planter boxes or ropes are not acceptable as markers.

The markers must remain in place throughout the duration of the approved pavement permission. All furniture, including umbrellas and plants, must be kept strictly within the boundaries of the approved seating area. The cost of installing, maintaining and removing outdoor seating markers will be met by the business holding the pavement permit.

6.5 Lighting

All approved outdoor seating areas must provide adequate lighting to ensure the safety and amenity of patrons and the general public. The lighting must be to the Council's satisfaction.

6.6 Footpath Extensions and Other Works

Businesses that are interested in footpath extensions to accommodate outdoor seating need specific approval from the Council. The Council will consider policy options for footpath widening projects in the development of the Parking Policy review and in conjunction with other strategic transport and urban design initiatives. These initiatives should be completed in June 2007. The removal of on-street car parks for private footpath widening will be restricted until these large strategic issues have been addressed.

7. APPLICATION PROCESS

7.1 Applying for a Pavement Permit

Businesses wanting to put outdoor seating in front of their business must apply for a pavement permit. Businesses that do not have a valid pavement permit are not permitted to place outdoor seating on footpaths or other walkways.

Applicants must provide the following information when submitting an application for a pavement permit:

- a fully completed application form
- a site plan of existing conditions at scale that accurately shows
 - the width of the footpath from the building frontage to the kerb edge
 - the proposed outdoor seating area that shows the layout of all tables, chairs, umbrellas, heating devices in relation to existing features, including:
 - existing neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking

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- metres, telephone boxes, mail boxes or any other significant features on the footpath
- an indication of the total area to be used for the proposed outdoor seating (in square metres)
- a measurement of the continuous width of the unobstructed pedestrian thoroughfare in relation to the outdoor seating area
- the location of all doorways and service openings
- colour photographs of the proposed site that clearly show the proposed outdoor seating area including existing features in the footpath
- colour photographs or architectural drawings of chairs, table and umbrellas
- measurements of the clearance of umbrellas from footpath to lowest point of umbrella
- evidence of public liability insurance for a minimum of \$1,000,000 that covers the proposed outdoor seating area. This insurance must be to the satisfaction of the Wellington City Council.
- disclose whether alcohol is to be supplied/served/consumed in the proposed outdoor seating area
- indicate whether the proposed area is covered by a veranda and disclose the distance between the veranda edge and kerb edge
- identify the type of any proposed heating devices and confirm that the device turns off automatically when not in use
- enclose the appropriate outdoor seating fees in accordance with the Council's Schedule of Fees and Charges.

7.2 Approval Process

The Council will consider the application against the conditions and criteria mentioned in the above sections. The Council will notify the applicant of the outcome of the approval process after 15 working days. The Council may require modifications with the applicant's proposal and these will be discussed with the applicant before approval is granted.

If the application is located in a residential area, the Council will consider whether the activities from the proposed outdoor seating area might negatively impact the amenity of the residential area with special regards to noise levels.

7.3 Fees

The Council requests a fee for use of the public space. This Council will set the fee based on commercial valuation and take into account the following conditions:

- existing commercial retail real-estate rates in the area
- occasional bad weather inhibiting full usage of the outdoor seating area
- resources needed for ongoing monitoring of outdoor seating
- the value added to Wellington's public spaces from outdoor seating.

The fees are required prior to the final approval of the pavement permission.

7.4 Display of Pavement Permit

The pavement permit and approved site plan must be displayed prominently in the window of the business and must be produced on request by an authorised person.

7.5 Period of Permits

The pavement permit will be for one year.

7.6 Conditions of Permits

The applicant must comply with the conditions of the pavement permit. The Council may revoke the pavement permits at any time if the conditions of the approval are not being sufficiently met.

The Council also reserves the right to vary the pavement permit at any time if it is in the public interest to do so. This may be in response to changes in pedestrian patterns. Reasonable notice will be provided to the pavement permit holder in such a situation.

8. MONITORING AND ENFORCEMENT

The Council will monitor outdoor seating in public places regularly to ensure that permit holders are complying with the conditions of outdoor seating pavement permits and that no unauthorised outdoor seating is located in public places.

If a permit holder does not comply with the outdoor seating conditions of this policy, the Council will notify the business of the issue. If the problem persists, the Council will provide a written warning to that business identifying the issues. If the business continues to infringe, the Council reserves the right to revoke the pavement permit.

Businesses that place outdoor seating on footpaths or other public spaces without a pavement permit will receive a written warning from the Council. If the business continues to place outdoor seating on footpaths without a pavement permit, the Council reserves the right to confiscate the outdoor seating under part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

The Council may recover expenses incurred through the removal or confiscation of outdoor seating as indicated in part 1.15.2 of the Wellington Consolidated Bylaw.

WELLINGTON CITY COUNCIL STREET APPEALS AND CHARITY FUNDRAISER POLICY GUIDELINES

1. INTRODUCTION

“Street appeals” and charity fundraisers are coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public. Street appeals will usually involve more than one collection person operating at the same time.

The Council wants to support organisations with their street appeals and charity fundraisers in a managed way to minimise conflict with other activities on public spaces such as pedestrian movement and retail activity. This document contains the conditions for conducting street appeals and charity fundraisers in Wellington City.

2. CONDITIONS FOR STREET APPEALS

All organisations or groups wanting to hold a street appeal in Wellington City must first receive permission from the Council. To be eligible to hold a street appeal in Wellington City, organisations must be a legally constituted, non-profit making society, association or organisation. All organisations are required to provide evidence of their legal structure and non-profit making nature.

In general, the Council will only permit one street appeal per week but special consideration may be given to organisations that have coinciding national street appeal weeks. The following additional conditions apply to organisations conducting street appeals:

- organisations are permitted to have one appeal date per year
- street appeals must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas
- collectors must not block the entrances to businesses, residences or entrances to public buildings
- if the street appeal impacts on traffic flows or parking spaces, other permissions may be required from the Council
- collectors should be clearly identified and display the name of their organisation and the appeal they are collecting for
- all collection areas must be left clean and tidy
- the Council may have specific requirements for street appeals for safety considerations
- the organisation is responsible for the promotion and identification of its collectors
- organisations wishing to employ a promoter to conduct a lottery on their behalf must apply for a licence from the Department of Internal Affairs to conduct this activity. A copy of the licence must be provided to Council in order to receive approval for a street appeal.

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2.1 Application Process and Allocation of Street Appeal Dates

The Council wants to provide the opportunity for all eligible organisations to conduct an annual street appeal. Organisations must complete an application to conduct a street appeal in order to receive Council permission. The application must include:

- evidence of the organisation's legal structure and non-profit making nature (for the first application only)
- the proposed date of the street appeal
- estimate of the number of collectors
- summary of where the collectors will be located
- a copy of the license issued by the Department of Internal Affairs for organisations that employ a promotional company to run a lottery as part of the street appeal.

Organisations wanting their Wellington City street appeal to coincide with the national street appeal of their organisation should indicate this on the application form. The Council will set the annual appeal dates at its discretion and will try to accommodate the needs of all organisations. Street appeals can be conducted on any day of the week. Organisations should be aware that they may not be guaranteed their first-choice street appeal date as some dates are in high demand.

The Council will send out applications to organisations on the Council's street appeal register in May-June each year so organisations can request specific dates. Once all applications are received, the street appeal dates will be confirmed by the end of August. Organisations that are interested in being placed on the Council's street appeal register or that want to setup a street appeal outside of the standard application process should contact the Council.

As a courtesy to the Council, organisations that intend to cancel an annual street appeal should notify the Council at least two months prior to the date so that the date can be re-allocated if possible. Organisations that cancel more than two annual appeals consecutively may be deleted off the Council street appeal register.

3. CONDITIONS FOR CHARITY STALL FUNDRAISERS

Charity stalls selling raffles, handcrafts and confectionary items are approved by the Council on a case by case basis. Groups or individuals wanting to setup a charity stall need to receive approval from the Council to do so. The Council is generally supportive of charity fundraisers. The following conditions apply to charity stall fundraisers:

- organisations must complete an application in-full for permission to conduct a charity fundraiser on public spaces
- the stall must be for a not-for-profit cause and the Council may require evidence of the organisation's legal structure and non-profit making nature (for the first application only)
- charity stalls must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas
- charity stalls must not block the entrances to businesses, residences or entrances to public buildings
- if the charity fundraiser impacts on traffic flows or parking spaces, other permissions may be required from the Council
- charity stalls should clearly display the name of the collecting organisation and the charity
- fundraising areas must be left clean and tidy

APPENDIX 1D

- stalls are generally only approved for the following areas:
 - Cuba Mall
 - Manners Mall
 - Civic Square
 - cnr of Lambton Quay and Hunter Street
 - the Railway Station.
- 'sausage sizzles' or any other cooking using an open flame are not allowed on public spaces
- charity fundraisers that include a lottery or raffle may require a license issued by gaming unit of the Department of Internal Affairs
 - if a license is needed, a copy must be included with the application
- the Council may place special conditions on charity fundraiser stalls.

APPENDIX 2

Difference in Hourly Pedestrian Counts After 10 Years

The count includes all pedestrians aged 10 years and above who are considered to be

Street No.	Street	Name of Business	Average 1993-1995 Counts	Average 2003-2005 Counts	Number Change	Percent Change
85	Molesworth Street	Statistics NZ	198	374	176	89%
108	Lambton Quay	Thomas Cook	1040	1423	383	37%
126-132	Lambton Quay	Payroll House	1077	1469	393	36%
162	Lambton Quay	Jean Jacques Hair	1339	1856	517	39%
182	Lambton Quay	Flight Centre	1279	2505	1226	96%
41	The Terrace	Flight Centre	307	535	228	74%
26	Brandon Street	Bennets Booksellers	301	332	31	10%
141	Featherston Street	Optometrists	241	483	242	101%
210	Lambton Quay	Farmers	1734	2705	970	56%
41	Johnston Street	NZ Shop	245	395	150	61%
171	Lambton Quay	Kirkaldie and Stains	555	980	425	77%
24	Panama Street	Direct Broking Ltd	175	245	70	40%
197	Lambton Quay	Vance Vivian	607	851	245	40%
248-250	Lambton Quay	Bags of Difference	2041	2400	359	18%
2	Cable Care Lane	Starmart	416	504	88	21%
292	Lambton Quay	Jacqui-e	2307	2801	494	21%
189	Featherston Street	Taylors	397	486	89	23%
318-324	Lambton Quay	Westpac	1964	2753	788	40%
8	Willis Street	Sunglass Studio	1408	2302	895	64%
68	Willis Street	The \$2 Shop	1618	1398	(-220)	(-14%)
45	Willis Street	Kiwi T-Shirts	831	1143	312	38%
65-69	Willis Street	Berringers	1037	1110	73	7%
40	Mercer Street	Theme Basics	457	499	42	9%
101A	Willis Street	Holiday Shop	1194	1239	45	4%
100	Willis Street	Majestic Centre	911	975	64	7%
4	Manners Street	Nutrition Plus	1955	599	(-1356)	(-69%)
38	Manners Street	Vacant	1569	738	(-831)	(-53%)
78	Manners Street	KFC	2590	2660	70	3%
118	Manners Street	Bizy Bee's Books	620	376	(-244)	(-39%)
36	Cuba Street	C&B Café	516	480	(-36)	(-7%)
83	Cuba Street	The CD Store	710	2021	1311	185%
125	Manners Street	Shanghai Restaurant	796	901	105	13%
28	Courtenay Place	Kenny's Café	468	503	34	7%
TOTALS			32901	40040	7139	22%

likely shoppers. Each location has counts taken over three 20 minute periods, which are then added together to give a typical, mid-week 'hour'. The 1993-1995 pedestrian counts were conducted in July and the 2003-2005 counts were conducted in November.

APPENDIX 3

Sandwich Board Conditions

1. All sandwich boards shall be placed at the kerb edge of the footpath. A sandwich board may only be erected in a location where a 2 metre unobstructed footpath width can be maintained.
2. No sandwich boards shall be permitted adjacent to bus stops, taxi stands or pedestrian crossing locations.
3. Sandwich boards displayed on the footpath shall be limited to one per retail premises. The sign is to be located outside the relevant premises or outside the entry to the relevant premises. Magazine advertisers or other displays which sit flush against the property boundary may be added.
4. All sandwich boards shall have dimensions in accordance with the Council's regulations (maximum of 600mm wide by 600mm deep by 900mm high) and shall be weighted to ensure stability. They shall be kept in a clean and tidy condition.
5. The approved sandwich board design has a wide base which can be identified easily by people who are blind or who have visual impairments. To improve visibility, the base or a strip on the base, must be of a different colour to the footpath.
6. A sandwich board permit shall be obtained from the Street Activities Coordinator, Transportation and Traffic. Permits must be displayed on the sandwich board at all times.
7. The fee shall be as determined by the Council.

Draft Consultation and Communications Plan

Consultation objectives – Officers are seeking feedback from residents, businesses, business associations and visitors on their views of the recommended options, specifically on the proposal to ban sandwich boards, the Outdoor Seating Policy Guidelines and the Retail Display Policy Guidelines.

Key Messages – The key messages that will be conveyed through the consultation process are:

- the policy establishes a framework to ensure pedestrian safety and efficiency and outlines the conditions for permitting private, non-pedestrian activities on public footpaths
- decisions on permitting activities on footpaths should be reflective of the Council’s strategic vision for the city
- pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible
- Wellington streetscapes should be vibrant, safe and attractive
- businesses, groups and individuals should be permitted to use Wellington footpaths for non-pedestrian activities in a fair and balanced way that does not impact safe and efficient pedestrian movement
- businesses, groups and individuals that are permitted to use public space for private activities are responsible for managing these activities in accordance to Council guidelines.

Target Audience and Communications Tools –

Audience	Communication Tools
Residents	Information will be provided on Council’s website and in the APW. Information will also be available at Council libraries, at community centres and at Council offices. Officers will also put out media releases and public notices.
Residents Associations	Information will be sent to Residents’ Associations.
Targeted consultation	Surveys will be conducted of retailers and licensed premises relating to the sandwich board ban and outdoor seating guidelines respectively.

APPENDIX 4

<p>Business associations, community groups and government agencies:</p> <ul style="list-style-type: none"> • Retail Association • Hospitality Association of New Zealand • Wellington Regional Chamber of Commerce • Disability Reference Group and other disability groups • Wellington Police • Living Streets Aotearoa • elderly groups. 	Information will be sent to business associations and community groups.
Community Boards	Information will be sent to the Community Boards
Maori	Information will be sent to Tenths Trust and Ngati Toa.

Action Plan –

Date	Action
8 June	Strategy and Policy Committee consider the Draft Footpath Management Policy
July (date to be confirmed)	Strategy and Policy Committee consider the Draft Street Vending Policy Guidelines
31 July	Commence consultation on Draft Footpath Management Policy (including Street Vending Policy Guidelines)
August-September	Meet with key stakeholders
11 September	Submissions close
21 September	Oral Submissions to SPC
Aug-Sept	Analysis of submissions
5 October	Report back to Committee with Final Footpath Management Policy
25 October	Final consideration by Council
October-November	Feedback provided to the submitters