

**Wanaka Community Board
10 August 2016**

Report for Agenda Item: 3

Department: Property & Infrastructure

Wanaka Table & Chair Licence Renewals 2016

Purpose

The purpose of this report is to consider the renewal of all existing *Licences to Place Tables and Chairs in a Public Space* in the Wanaka area which are due for renewal on 31 August 2016.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Approve** the renewal of the following Licences to Place Tables and Chairs in a Public Space for a further one year term commencing 1 September 2016:

Trading Name of Licensee	Location	Area (m2)	Rental Income
Speights Ale House	Ardmore Street	93	\$4,650.00
Lake Bar	Ardmore Street	67.2	\$3,360.00
Kai Whakapai	Ardmore Street	44.84	\$2,242.00
Ritual Café	Helwick Street	9.115	\$319.03
Relishes Café Wanaka	Ardmore Street	15.56	\$778.00
Da Vincis	Helwick Street	9.115	\$319.03
Trout Bar	Ardmore Street	54.8	\$2,740.00
Fitzpatrick's Irish Pub	Brownston Street	25	\$875.00
Alchemy	Ardmore Street	11.52	\$576.00
Big Fig	Ardmore Street	25.5	\$1,275.00
The Doughbin Bakery and Café	Ardmore Street	10.2	\$510.00

3. **Approve** the variation of existing Licences to Place Tables and Chairs in a Public Space for:
 - a. Wanaka Speights Ale House
 - b. Lake Bar
 - c. Trout Bar

Prepared by:



Blake Hoyer
Property Manager
APL Property

21/07/2016

Reviewed and Authorised by:



David Wallace
Manager – Resource
Management Engineering

1/08/2016

Background

- 1 The Queenstown Lakes District Council oversees a number of *Licences to Place Tables and Chairs in a Public Space* (herein called the “Licence”) throughout the district. These licences are in place to encourage al fresco dining, and provide an active street frontage that is vibrant, dynamic, comfortable and attractive.
- 2 All Licences have an annual renewal clause. Historically, APL Property Limited have been responsible for renewing the licenses however, under the revised delegations, this responsibility now sits with either the Property Sub Committee or Wanaka Community Board.
- 3 In accordance with the terms of the Licence, all licensees have been invited to renew their Licence. Their responses are due prior to 31 August 2016 should they wish to renew.
- 4 All existing licensees have paid their annual licence fee for the 2015-2016 licence period.

Comment

- 5 An audit of all Licences was undertaken in October 2015. All licensees were found to be adhering to their licence terms and conditions other than Alchemy who had a. changed the tables and chairs permitted under the licence and b. placed an additional table, with chairs, on the newly formed pavement on Ardmore Street without approval.
- 6 Alchemy are seeking a variation to their existing Licence to formally allow them to modify the furniture and occupy this area of pavement. This variation is considered in a separate report.
- 7 Since the last renewal, the following variations / assignments have occurred;
 - a. Wanaka Speights Ale House extended their licence area by 35m² near the front entrance of the premises. Their total licence area now encompasses 93m².

- b. Cherry May Café assigned their Licence to Big Fig. Queenstown Lakes District Council's Property Manager, Richard Pope, provided consent for the assignment under the revised delegations.
 - c. Trout Bar extended their licence area by 33.2m² to occupy part of the newly formed pavement. Their total licence area now encompasses 54.8m².
 - d. Lake Bar extended their licence area by 15m² to occupy part of the newly formed pavement. Their total licence area now encompasses 67.2m².
- 8 Changes referred above in 9(a), 9(b) & 9(d) resulted in increased income to Council of \$4,160.00 plus GST.
- 9 All licences are charged at a square meter rate in accordance with Queenstown Lakes District Council's Property Tables and Chairs in Public Space Policy 2006 (herein called "the Policy"). The total income earned by Queenstown Lakes District Council for Wanaka Licences is now \$17,644.05 plus GST per annum.
- 10 No complaints have been received in respect to the various licensee's operations other than Alchemy. Council's Team Leader for Alcohol Licencing noted that they were serving alcohol outside of their licence area. Such practice thereafter is understood to have ceased and the licensee has since applied for a variation to their licence which would enable them to serve alcohol in that area. A QLDC staff member also raised concern with respect to the style of furniture being used and its positioning which allows chairs to back on to parked vehicles. Again, Alchemy have applied for a variation to their existing licence for alternative furniture.

Options

- 11 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 12 Option 1 The Wanaka Community Board can agree to renew all existing licences as varied or assigned in accordance with the terms and conditions of those licences.

Advantages:

- 13 The licensees will be able to continue operating in the designated public space.
- 14 Council will continue receiving the rental income.
- 15 Wanaka's pavements remain improved through increased vibrancy of the subject area.

Disadvantages:

16 Pedestrian flow can be marginally restricted through the placement of furniture on the pavement however minimum clearances are required under the Policy.

- 17 Option 2 The Wanaka Community Board can agree to renew some, but not all, of the existing licences as varied/assigned in accordance with the terms and conditions of those licences.

Advantages:

18 Similar to Option 1 however the WCB may wish to renew some licences but not others.

Disadvantages:

19 An individual licensee whose licence is not renewed while others are, may feel aggrieved unless clear advice is provided as to why their renewal was not approved.

- 20 Option 3 The Wanaka Community Board can decline the renewal of all of the existing licences.

Advantages:

21 Public space will be freed up for pedestrians or other uses as deemed appropriate by Council.

Disadvantages:

22 Businesses will not be able to use the public space and will lose the opportunity to promote patronage with a more visible presence.

23 Council will no longer receive rental income for the public space.

24 The vibrancy of Wanaka's pavements may be decreased.

- 25 This report recommends Option 1 for addressing the matter as it enables all licensees to continue operating within the public space in accordance with the existing terms and conditions of their licence.

Significance and Engagement

- 26 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as it relates to Council's roading network which is identified as a significant asset.

Risk

- 27 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council's risk register. The risk is classed as low. The matter relates to this risk because the options highlighted require the

Council to follow a regulatory process in order to grant a licence. A variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using reserves land) are triggered when the Council considers whether or not to renew the licences. This report therefore recommends that risk OR11 is tolerated.

Financial Implications

28 A total income of \$17,644.05 plus GST per annum is received for the Licences.

Council Policies, Strategies and Bylaws

29 The following Council policies, strategies and bylaws were considered:

- Tables and Chairs in Public Space Policy 2006.

30 The recommended option is consistent with the principles set out in the named policy.

31 This matter is not included in the 10-Year Plan/Annual Plan

- Rental income derived by these licences will contribute to existing property budget provisions.

Local Government Act 2002 Purpose Provisions

32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by improving the vibrancy and attractiveness of a section of the Queenstown Mall.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

33 No consultation is proposed for the renewal of existing licences.