

**Note: Please retain this information for future reference.**

**Licences for fundraising, promotional, commercial and dining activities undertaken within a Public Place are subject to the following conditions:**

### **Clearway**

A continuous clearway shall be maintained over the width of any occupied footpath or pedestrian access way at all times and in accordance with the following table:

<b>Width of footpath</b>	<b>Width of clearway</b>
Less than 3.5 metres	1.5 metres
Over 3.5 metres	Over 3.5 metres

In locations where there is veranda cover, ensuring a covered pedestrian clearway is maintained should be given priority over providing a covered area of occupation.

In addition to the above clearway requirements, the occupier must ensure that a 0.8 metre wide strip adjacent and parallel to the kerb is kept clear of patrons and objects at all times to allow for Vehicle overhang.

Clearways between adjacent properties with pavement occupation shall be continuous.

There shall be no fixed street furniture, e.g. refuse bins, signs, etc within the width of the clearway.

Access from vehicles parked beside the kerb must not be obstructed.

### **Affected persons**

Permission for the activity to proceed should be obtained from the occupier of any property immediately adjacent to the public place where the activity is to occur.

### **Objects associated with the activity**

Any objects to be used or displayed shall not create a risk of injury to pedestrians (e.g. sharp, pointed or likely to trip someone) and shall be maintained in good condition and to a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.

Tables, chairs, umbrellas, etc, shall be well secured during adverse weather conditions. Umbrellas, shades and other like furniture are to have no less than a 2.2 metre clearance above the footpath surface. Barriers may be required to separate the occupied area from the clearways.

All objects shall be removed from the occupied area at the close of business each day unless otherwise authorised.

The surface of the occupied area (footpath, road, verge, etc) shall not be broken, marked or disfigured by the occupation. Any damage to Council's assets must be repaired by the Occupier to the satisfaction of an Authorised Officer. If the required remedial work is not completed to a satisfactory standard or is not undertaken at all, Council reserves the right to undertake any repairs an Authorised Officer has deemed to be necessary. The costs incurred by Council in undertaking any remedial work will be recovered from the occupier.

### **High standard of cleanliness**

The occupier shall maintain the occupied area and clearway to a high standard of cleanliness that is free of litter, stains and spillage. The spread of Litter from the occupied area to the adjacent street, properties and footpath must be prevented. The decision on whether an appropriate level of cleanliness is being maintained will be at the sole discretion on an Authorised Officer.

### **Access to premises**

A clear access of not less than 1.5 metres shall be maintained through the occupied area into any premises at all times. In addition, access must comply with any statutory requirements for access to the premises, as if the occupied area was part of the premises.

If vehicular access is required, it must be no less than 3 metres wide and provide safe clearances to occupied areas.

### **Licensed premises**

Where premises are licensed under the Sale of Liquor Act 1989 (or its amendments), the area of occupied public place shall only be deemed to be part of the licensed premises if it is included in the originally approved 'defined area' of the current Liquor License.

If this does not apply then use of the public place will require redefinition of the premises to include this area. Redefinition is subject to the approval of the police and District Licensing Agency and is not granted as of right.

### **Signage**

The signage provisions of the Matamata-Piako District Plan and the Matamata-Piako District Council Public Safety Bylaw 2008 shall be complied with at all times.

### **Permission term and lapse**

Any permission granted will expire on the date stated in the permission document. Upon expiry of the permission the activity must cease until a new permission has been obtained. Permissions are not transferable and any new occupier will need to make a fresh application if they require occupation of a public place.

### **Occupation at the pleasure of Council**

If Council determines there has been a breach of the conditions in this schedule or that the activity has created a safety, access or loss of amenity issue, an Authorised Officer may require the activity to cease immediately until any outstanding matters have been resolved to the satisfaction of the Authorised Officer.

If an activity continues after the occupier has received a request by an Authorised Officer to cease operating, Council may have the occupied area cleared at the occupier's expense.

### **Powers of entry**

Authorised Officers, Council contractors, and any authorised network utility operator (e.g. power, telephone and gas) may enter upon the occupied area of footpath for the purpose of monitoring compliance with these conditions or carrying out authorised work at any time. This may require the occupier to remove objects on the footpath to provide adequate access and safe working conditions. If the occupier is unavailable, the Authorised Officers or workmen may remove the objects to a secure locality and will not be held responsible to the occupier for any damage or loss incurred by the occupier.

**Production of permission**

Any permission holder must produce the permission document when requested to do so by an Authorised Officer. The permission holder or their representative on site must remain contactable by phone for the duration of the activity.

**Fees**

All fees prescribed in the Council fees and charges document for any activity described in clause 2.10.1 of this bylaw must be paid to Council prior to commencement of the activity.

**Public liability insurance**

Council recommends that the occupier obtains public liability insurance. If the occupier is unsure if they should hold public liability insurance, they should seek professional advice from their lawyer.

If damage is caused to persons, private property or Council property (whether that be intentional or accidental) the occupier will not be covered by Council's insurance. This means that they could be liable to repay the cost of any damage or loss to Council, Council's insurers, or a third party that has suffered a loss as a result of the incident. Even if Council's insurance does cover an incident or damage, the Council insurers may still pursue the occupier for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well. Public liability insurance helps to reduce the risk to the occupier by providing cover for these types of situations.