

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Hearings and Engagement Committee will be held on:

Date: Monday 23 November 2020
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Hearings and Engagement Committee Public Places Policy Review - Hearings *Komiti Whiriwhiri Kaupapa* **OPEN AGENDA**

Membership

Chairperson Cr M Gallagher
Heamana

Deputy Chairperson Cr E Wilson
Heamana Tuarua

Members	Mayor P Southgate	Cr S Thomson
	Deputy Mayor G Taylor	Cr M van Oosten
	Cr M Bunting	Cr A O'Leary
	Cr M Forsyth	Cr K Naidoo-Rauf
	Cr R Hamilton	Cr R Pascoe
	Cr D Macpherson	Maangai Olly Te Ua
		Maangai Te Pora Thompson-Evans

Meeting frequency As required

Quorum Three members (for matters relating to those functions in paragraph 3 and 4 of the TOR or a majority of members (including vacancies) for all other functions.

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

16 November 2020

Telephone: 07 838 6727

Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate advisory groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
2. Consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of the establishment of hearings panels and their terms of reference.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Council Report

Committee: Hearings and Engagement Committee
Date: 23 November 2020
Author: Sandra Murray
Authoriser: Jen Baird
Position: Consultant
Position: General Manager City Growth
Report Name: (Trading in) Public Places - Hearings and Engagement Report

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Hearings and Engagement Committee of the submissions received in response to public consultation on the review of the Public Places Policy and to hear and consider verbal submissions.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Hearings and Engagement Committee:
 - a) receives the report;
 - b) hears and considers verbal submissions on the review of Public Places Policy community engagement that took place from 1 October to 12 November 2020; and
 - c) notes that the Deliberation report will be presented to the Council meeting on 8 December 2020 for consideration and decision.


Executive Summary - *Whakaraapopototanga matua*



3. The Council has an existing Public Places Policy (the policy) which is due for review as part of the three-yearly review process set out in the Significance and Engagement Policy.
4. Community engagement was approved at a Council meeting on 17 September 2020 and consultation with the public occurred from 1 Oct to 30th Oct 2020. The consultation period was later extended by 2 weeks to 12 November 2020 to accommodate better engagement with retailers in the proposed Central City areas.
5. Submissions were received from 87 organisations and individuals.
6. The policy changes were supported by 86.2% of submitters (75 submissions), while 13.8% of submitters did not want the policy to be changed (12 submitters).
7. The preferred option for the Central City restricted area was **Option 3** (outlined below) with 48.3% of submitters in favour of this option.
8. Staff consider the matters in this report have medium significance and the recommendations comply with the Council's legal requirements.


Background - *Koorero whaimaarama*

9. At the Community Committee meeting on 20 February 2020, Committee Members considered a proposed policy and requested the issue of food trucks be discussed further.
10. At the Elected Member Briefing on 13 May 2020, Members requested additional research and stakeholder feedback on the issue of food trucks, for inclusion in the policy review.
11. Following targeted stakeholder feedback and additional research, changes to the policy were proposed to clarify where food trucks may operate; and seek feedback on the area in the Central City where restrictions may apply. The 'Central City' is defined by the map in Schedule 4 of the policy. Three variations to this area were proposed for consultation.
12. It was also proposed to change the name of the policy to the *Trading in Public Places Policy* to clarify the purpose of the policy.
13. The proposed policy:
 - Includes a new, broad definition for 'food truck'
 - Continued a restricted Central City – with possible boundaries to be consulted on (3 map options)
 - Permits food trucks to operate in the Central City only as part of an event or market (which will ensure appropriate waste minimisation)
 - Retains existing hours of operation for standalone mobile shops across the city (between 6am and 10pm) and (*in addition*) specifies that, if part of an event or market, mobile shops/food trucks may operate to the same hours as the event or market is permitted to operate.
14. Public engagement was approved at a Council meeting on 17 September 2020 and consultation occurred from 1 Oct to 30th Oct 2020. This was later extended by 2 weeks to 12 November 2020 allow intensive engagement with retailers in the proposed Central City area.

Options consulted

Option 1	<p>PROPOSED POLICY WITH CURRENT CENTRAL CITY RESTRICTED AREA</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate • Continue with a restricted Central City as it currently is. 	
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Option 2	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river, between London Street and Knox Street. 	 <p>The map shows a street grid with a river on the right. A red outline defines the 'Central City' area. The area is bounded by the river on the right, and extends south from the top of the map down to the river between London Street and Knox Street. A legend in the top right corner shows a red outline and the text 'Central City'.</p>
Option 3	<p>PROPOSED POLICY WITH EXTENDED CENTRAL CITY RESTRICTED AREA (TO THE RIVER; AND BETWEEN CLAUDELANDS BRIDGE AND ANZAC PARADE BRIDGE)</p> <ul style="list-style-type: none"> • Change the name of the policy to the Trading in Public Places Policy • New 'food truck' Definition • Food trucks to be permitted to operate in the Central City as part of an event or market • If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate. • Extend the restricted Central City area down to the river between London Street and Anzac Parade. 	 <p>The map shows a street grid with a river on the right. A red outline defines the 'Central City' area. The area is bounded by the river on the right, and extends south from the top of the map down to the river between London Street and Anzac Parade. A legend in the top right corner shows a red outline and the text 'Central City'.</p>

Option 4	<p>CONTINUE THE CURRENT POLICY AND CURRENT RESTRICTED AREA WITHOUT THE PROPOSED CHANGES</p> <p>The policy will continue to be called the Public Places Policy, which may not indicate the purpose as clearly as the Trading in Public Places Policy.</p> <p>The restricted Central City area will be the same as it currently is.</p>	 <p>The map shows the Central City area of Hamilton, New Zealand, with a red rectangle highlighting the restricted zone. The area is bounded by the Waikato River to the east and the city center to the west. A legend in the top right corner identifies the red rectangle as the 'Central City'.</p>
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Discussion - *Matapaki*

15. Submissions were received from 87 organisations and individuals.
16. Of the submissions received, 88.5% (77 submissions) were from within Hamilton City and 11.5% (10 submissions) from outside Hamilton City (3 from Waipa and 7 from the wider Waikato area).
17. Three options included the following proposed policy changes:
 - Change the name of the policy to the *Trading in Public Places Policy*
 - New 'food truck' definition

Food truck	Means a type of mobile shop entirely equipped to cook, prepare, serve, and/or sell food. May have on-board kitchens and prepare food or heat up food that was prepared in a commercial kitchen. May also sell hot or cold beverages. Food trucks may only offer food/beverage related items. A food truck is a subcategory of mobile shops.
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 - Food trucks to be permitted to operate in the Central City as part of an event or market
 - If part of an event or market, allow mobile shops/food trucks to be able to operate to the same hours as the event or market is permitted to operate.
18. The policy changes were supported by 86.2% of submitters (75 submissions), while 13.8% of submitters did not want the policy to be changed (12 submitters).
19. The preferred option for the Central City restricted area was Option 3 with 48.3% of submitters in favour of this option.

Preferred Option for Restricted Area	Number	%
Option 1	24	27.6%
Option 2	8	9.2%
Option 3	42	48.3%
Option 4	12	13.8%
Other	1	1.1%
	87	100.0%

20. Submissions were received from 13 organisations, with a range of option preferences.

Preferred Option	Organisation
Option 1	Gourmet in the Gardens Hamilton Gardens Cafe
Option 2	Geebee promotions Hamilton Central Business Association Pasta Fresca NZ
Option 3	Craft Doras Espresso Hospitality New Zealand Mamasdonuts Sals Hamilton SL28
Option 4	My Whippy Waikato The Lawrenson Group

21. Option preferences were largely consistent between organisation submitters and individual submitters – with Option 3 being the preferred option for both groups of submitters (46.2% of organisation submitters and 48.6% of individual submitters).

	Option 1	Option 2	Option 3	Option 4	Other
Organisations	2	3	6	2	0
Individuals	22	5	36	10	1
Total	24	8	42	12	1

22. Submitters raised a range of issues related to the proposed policy and Central City restricted areas. Three main issues were commonly raised:

Competition / Adverse impact on existing food premises

23. Many submitters raised issues around competition, with a range of opinions as to whether the proposed changes would adversely affect existing 'brick and mortar' businesses or not. A range of opinions were expressed, without a clear consensus.
24. Examples of comments:
- I want to make sure that Food Trucks don't have an unfair advantage over food businesses in the Central City area that are paying rent and many council charges involved in operating their business. This includes paying for customers to use outdoor dining areas, having sandwich boards, food control plans and liquor licensing.*
 - Food trucks and dine in restaurants are two different markets. This could attract diners that would not otherwise come to the CBD.*
 - We need to protect bricks and mortar businesses that pay rates and actively work to minimise their waste. Food trucks create a HUGE amount of landfill waste and often don't pay any rates. Food Trucks certainly add to an event but shouldn't do it at the cost of business that have to operate all year around.*

- *Hamilton restaurants need to lift their game and produce a higher quality meal and lift their service game anyway and if food trucks give them the competition to make them push a little harder, it's better for the business, the people of Hamilton and the city its self. Melbourne for example is well known for its food and is a favourite destination to travel for that very reason... and the food truck industry is also booming there.*
- *We currently have small food businesses struggling after Covid-19. They pay high rents and the owners of the premises pay high rates. It is unfair to then have food trucks to turn up on special days to take advantage of bigger crowds. This is a time when local shops be able to make extra profit from increased crowd.*
- *Let's support local food truck entrepreneurs and help them establish, expand and delight their customers at any time they choose rather than limiting them and withholding their possibilities of growth by further restrictions.*
- *I would prefer an option 5 to remove all restrictions for food trucks and marketplaces. Local CBD restaurants don't need trade barriers in order to be viable, it is blatant protectionism. The trucks bring a great diversity of food and eating styles which the CBD venues would be better to follow rather than to banish the innovators.*

Increase vibrancy / More food choices

25. Many submitters who were in favour of a policy change commented on the benefits of Food Trucks, such as bringing vibrancy or food choices to the Central City area.
26. Examples of comments:
 - *To evolve the city and allow more opportunity to bring life to the city, food trucks/mobile shops should be allowed to run as long as the event is on.*
 - *I have worked in the hospitality industry around the country for fifteen years, every city that has food trucks in the city center has a level of culture and diversity that brings people into the city time and time again. Not everybody enjoys going to the same few restaurants over and over, that only caters to a select group of people.*
 - *The CBD is under utilised and currently lacks any attraction for locals & visitors to visit CBD & surrounding areas. Hopefully, the new policy will encourage startups & small businesses owners to showcase their culinary skills, which in turn will attract more people visiting CBD which is a win : win for new & established businesses in the proposed area.*
 - *I think having food trucks in the city might liven up a dull city centre. I feel garden place should be a hive of activity in the evenings, not a quiet spot for the homeless.*
 - *Food trucks also in my view offer a different service, experience and type of dining than physical restaurants and I am not convinced that they are as detrimental to local businesses as perhaps they are perceived to be.*
 - *I think allowing mobile food trucks to be allowed during events will enable more options for people on a budget to more fully enjoy an event or market. It will also help to make dining more family friendly.*
 - *More choices. Bring people to the city and the river*
 - *The Hamilton event scene is already bound heavily with legislative red tape. If we want our city to become a culturally vibrant and interesting place to be, we need to make events and projects easier not harder.*

Discussion on the extension of area

27. Submitters discussed their reasons for selecting their preferred Central City restriction area, although no clear trend could be identified.
28. Examples of comments:
- *Personally, I would like to see the location restrictions reduced to only Victoria St from Ward St to Knox Street and all of Hood street.*
 - *I understand the councils revenue is mostly driven out of rates including buildings occupied by restaurants that are competing with food trucks for patrons, however I don't believe restricting areas of operation for should be promoted for one "lower class" of vendor by the public body.*
 - *Keep the restricted area as it is which allows the option for food trucks to operate at Ferrybank or at the band rotunda.*
 - *I see no need to extend the exclusion zone, restaurants and cafes have a ring fenced area which is already a generous size.*
 - *I suppose that outside the central city restricted area is an unrestricted area where food trucks are more free to trade, and I believe the more freedom the better.*
 - *The proposed changes are sensible. I don't see a need to extend the restrictions and would actually like to see more food trucks in the CBD.*
 - *Option 2 covers the area where the bulk of hospitality in the CBD exists - incorporating these areas into the Policy will allow the curation of central city activity and events in conjunction with fixed hospitality offerings. There are few hospitality offerings outside of this area therefore not necessitating a Bridge to Bridge restriction.*
 - *The central city restriction should only be extended to the river as the places you can park at by the river are too close to other restaurants or Cafes for a mobile shop to be more than 150m away from them anyway so that just makes sense. it shouldn't be extended further then that as mobile traders are already limited with where they can trade enough.*
 - *The extended restricted zone would support local business and will complement the changes above.*
29. Other issues raised include:
- Waste Issues
They need to be well presented and recycling should be a big key.
 - Need to make sure they pay fees
Operators of food trucks do need to pay a proportional fee like every restaurant does (counsel fees are very high)
 - Help Covid-19 recovery
Food trucks are a thriving market globally and has the potential to draw people into the city centre as well as support the rebuild of the economy following Covid-19. Due to the lower start up costs and barriers to market entry, it's is market that for at least the next 3 years, that should be nurtured. Many of the people who lose/lost their jobs in hospitality will look to food trucks to rebuild.
 - Traffic / Parking
I am worried about the traffic and car park.
30. Additional suggestions from submitters:

- *Boost Hamilton East's Grey Street with Friday or Saturday evening 'Food Truck' events with a portion of Grey Street closed to through traffic.*
- *Pilot the Option 2 restricted area, and then change to Option 3 if it is successful.*
- *Implement the Central City restrictions city-wide (Food Trucks to operate only at events).*
- *No restricted area (remove the Central City restricted area altogether).*
- *All markets / events in the inner city to end by 10pm.*
- *Encourage summer events expanding out to the Meteor (from the gardens) moving across the road and down the river walk back into the central city area.*

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.