
Business and Investment Subcommittee

OPEN MINUTES

Minutes of a meeting of the Business and Investment Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Tuesday 9 February 2016 at 1:30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Members	Cr M Forsyth Cr A King Cr R Pascoe
In Attendance	Cr G Chesterman Cr M Gallagher Sean Murray – Director H3 & Events Debra Stan-Barton – Acting General Manager City Growth Sean Hickey – General Manager Strategy & Communications Kelvin Powell – City Safe Unit Manager Julie Clausen – Programme Manager - Strategy
Committee Advisor	Mr B Stringer

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr King)
That the apologies from Councillor O’Leary be received and accepted.

2. Confirmation of Agenda

The Chairperson referred the Subcommittee to an updated version of Item 6, Attachment 1 (*Amended Public Places Policy (Draft)*), which was tabled.

Resolved: (Her Worship the Mayor Hardaker/Cr Pascoe)
The Committee to confirm the agenda, subject to the updated version of Item 6, Attachment 1.

3. Declarations of Interest

No members of the Subcommittee declared a Conflict of Interest.

4. Public Places Bylaw 2016 ('the PP Bylaw') and Public Places Policy ('the PP Policy') - Hearings Report

The Chairperson welcomed the submitters present:

- **Thomas Gibbons**, representing the New Zealand Property Council ('the Property Council'), noted the following points:
 - i. It was queried how the PP Policy aligned with other Council plans;
 - ii. The Central Business District ('CBD') required special management compared to other areas in the city.
 - iii. The Property Council advocated that a CBD Board be empowered by Council to administer the range of issues contemplated in the PP Policy. Such board would comprise both Council, private and community sector membership and funding; the emphasis would be on business and property owners.
- **Susan Mellsopp**, representing CCS Disability Action Waikato ('CCS'), requested that the PP Policy be aligned with national guidelines on:
 - i. the minimum height for sun umbrellas and shade awnings; and
 - ii. the minimum clearway for outdoor furniture positioned by bus stops and disability parking zones.

CCS also considered fencing around outdoor furniture created a hazard for vulnerable people and that clearways should be monitored during business hours – two metres was adequate if enforced. Concern was also expressed in relation to the number of pet dogs present in outdoor dining areas.

- **Peter Hallett**, representing the New Zealand Fire Service ('the Fire Service'), observed that:
 - i. the PP Bylaw should provide an express reference to compliance with relevant fire safety regulations;
 - ii. there should be improved compliance monitoring of fire safety regulations. It was acknowledged that the Fire Service contributed to the education process for business owners in that regard.
- **Alan Sciascia**, representing Hospitality New Zealand ('Hospitality NZ'), noted the following concerns with the PP Policy:
 - i. An increase to the permitted hours for buskers to perform would give rise to unintended adverse consequences; the times set out in the current policy were sufficient.
 - ii. A permit for other activities on the footpath could be included within an existing permit application.
 - iii. Hospitality NZ did not support mobile shops within the central city as it would create an unfair advantage against local business owners situated within buildings. Mr Sciascia suggested Council should not be in competition with commercial tenants that are paying rates.
 - iv. The current clearway requirement for Victoria Street was adequate if enforced appropriately. To extend to the proposed two metres would adversely impact businesses.

- **John Lawrenson**, representing the Lawrenson Group, spoke on the following points:
 - i. Mr Lawrenson believed that mobile shops would have a negative impact on business proprietors that were already struggling.
 - ii. The Lawrenson Group considered the current clearway parameters for outdoor furniture were sufficient and did not require extension, which would cause increased business costs. It was suggested that vulnerable pedestrians were unlikely to be present at peak times of use for such furniture.
 - iii. Extending the hours buskers were permitted to perform would create issues with the number of vagrants in the central city, and would compete with professional bands playing in local bars.
 - iv. The current interface with Council staff worked well, though there did not appear to be significant monitoring of businesses once permitted.
- **Michael Wright**, from Russel McVeagh representing Home Direct Limited, spoke on the PP Policy's proposed restriction on mobile shops operating in zones where the speed limit was greater than 60 kilometres per hour. Mr Wright submitted that such prohibition would adversely impact Home Direct's ability to service its customers; he did not believe the safety of customers or operators were at risk in such areas.

Councillor Gallagher arrived during Item 4 (2:05pm).

Resolved: (Her Worship the Mayors Hardaker/Pascoe)

That:

- a) the report be received; and
- b) the respondents be thanked for their time.

5. **Public Places Bylaw 2016 and Public Places Policy - Deliberation Report**

The City Safe Unit Manager ('the Unit Manager') and Programme Manager – Strategy spoke to the report and responded to questions on the following points:

- **Outdoor Furniture**
 - i. Staff advised that the proposed two metre-wide clearway requirement was to provide consistency and clarity across all areas of the city. This was also in line with other major cities in New Zealand.
 - ii. With reference to the CCS submission, staff referred to the New Zealand Transport Authority's Pedestrian Planning and Design Guide ('the Pedestrian Planning Guide') that advocated for a minimum 1.8 metre-wide clearway. The Unit Manager could not find any reference in the Pedestrian Planning Guide to recommended spacing between outdoor furniture and bus stops or disabled parking bays.
 - iii. The Unit Manager suggested there was no connection between the PP Policy's provisions on outdoor furniture and fire safety regulations; the latter being separately monitored and enforced. Staff were requested to investigate whether recent changes to Health and Safety legislation would impact Council's liability in that regard.
 - iv. The amendment to clause 1.4.12 in the PP Policy was intended to provide clarity on when outdoor furniture located on the kerbside of the clearway must be removed.

- **Monitoring**

City Safe patrollers undertook the monitoring and enforcement role of permitted establishments under the current policy.

- **Mobile Shops**

- i. As there were a limited number of roads within the city boundaries that had a speed limit exceeding 60 kilometres per hour, staff believed the proposed restriction in the PP Policy would not impose a significant burden on mobile shop operators.
- ii. The purpose of clause 5.1(VI) in Schedule 3 of the PP Policy was intended to require an applicant to evidence the uniqueness of the products they would sell; reference to a “200 metre radius” was meant to capture the immediate vicinity of the proposed location for the mobile shop.
- iii. Some other local authorities allowed mobile shop operators to renew permits, though this may restrict the variety of such traders.
- iv. In constructing the proposed permit fees for mobile shops, staff had consulted with commercial real estate agents who operated in the central city and reviewed the fee structure in other local authorities, which varied significantly. It was acknowledged that fees and charges would be determined separately from the PP Policy.
- v. Permitted mobile shops operating outside the central city were able to move to more than one location.
- vi. The second bullet point in paragraph 7 of the staff report should have read:
An increase of up to 3 mobile shops within the Central City
Staff advised that the proposed three mobile shops to be permitted to operate in the central city under the PP Policy were not intended to include the Old English Baked Potato van that traded by way of an exemption granted by Council resolution.
- vii. The proposed requirement for mobile shop operators to hold public liability insurance cover of at least \$1 million was consistent with outdoor dining establishments.

- **Busking**

- i. City Safe staff had not received feedback or complaints in relation to vagrants or other unintended consequences arising from buskers performing, as referred to by some submitters.

- **Charitable Organisations**

- i. It was noted that the ability to revoke a permit issued to a charitable organisation for collecting donations meant Council could better manage this type of activity. Council staff also worked closely with charity representative groups to address any issues.
- ii. A permit for charitable collections is granted to an organisation, not the individuals collecting on that charity’s behalf.

The Meeting adjourned from 3:40pm to 3:55pm during discussion on the above item.

The Subcommittee then worked through the PP Policy (as tabled).

Resolved: (Cr Forsyth/Her Worship the Mayor Hardaker)

That clause 5.1(VI) in Schedule 3 of the Draft Public Places Policy be amended to change “a 200m radius” to read “a 100m radius”.

Councillor King dissenting.

Resolved: (Her Worship the Mayors Hardaker/Pascoe)

That clause 5.2.1(III) of the Draft Public Places Policy be amended to change “11pm” to read “8:30pm”.

Councillor King dissenting.

The Subcommittee members considered that further information and assessment was required in relation to the proposed fee structure for activities captured in the PP Policy, particularly in relation to mobile shops.

Resolved: (Her Worship the Mayors Hardaker/Forsyth)

That:

- a) the report be received;
- b) the Draft Public Places Bylaw 2016 be recommended to the Strategy and Policy Committee for adoption;
- c) the Amended Draft Public Places Policy be recommended to the Strategy and Policy Committee for adoption; and
- d) staff present options for the proposed permit fees to the Strategy and Policy Committee meeting on 16 February 2016.

Councillor King dissenting.

The Meeting was declared closed at 4:45pm.