

**ORDINARY MEETING OF COUNCIL  
12 APRIL 2010**

<b>6.</b>	<b>FOOTPATH TRADING REVIEW</b>
<b>LOCATION/ADDRESS:</b>	<b>WHOLE MUNICIPALITY</b>
<b>GENERAL MANAGER:</b>	<b>SUE WILKINSON</b>
<b>PREPARED BY:</b>	<b>ANITA LANGE, SPECIAL PROJECTS MANAGER</b>
<b>FILE NO.:</b>	<b>11/01/97-06</b>
<b>ATTACHMENTS:</b>	<b>1 - UPDATE ON PROGRESS OF THE COMMUNITY CONSULTATION AND TRANSITION PLAN</b> <b>2 – ISSUES RAISED IN SUBMISSIONS AND SURVEY RESPONSES</b> <b>3 – SURVEY RESULTS</b> <b>4 – CITY OF PORT PHILLIP, ASSESSMENT OF CAR PARKING DEMAND FOR OUTDOOR DINING MARCH 2010</b>

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**1 EXECUTIVE SUMMARY**

- 1.1 This report provides a summary of all submissions received in relation to the draft Footpath Trading Guidelines and report on the research assessing car parking demand.
- 1.2 Following Council's consideration of the submissions, a further report will be provided in May to determine a final position on the guidelines.

**2 RECOMMENDATION**

That Council:

- 2.1 Notes and receives all submissions and all survey results received to the *Draft City of Port Phillip Footpath Trading Guidelines –February 2010*.
- 2.2 Notes the issues raised in the submissions received and the draft options outlined in this report.
- 2.3 Notes the outcomes of the research contained in the *City of Port Phillip, Assessment of Car Parking Demand for Outdoor Dining March 2010*.

**3 BACKGROUND AND CONTEXT**

- 3.1 Council considered a report on the review of the council's current footpath trading service and a revised set of draft guidelines on 8 February 2010. Council agreed to release the draft guidelines for public comment until 26 March 2010.
- 3.2 Since that time, the Community Consultation and Transition Plan has been used to guide the review and there has been extensive consultation undertaken. A key

aspect in the design of the review has been to provide the community and especially traders with a clear and reasonable process, ample opportunity for consultation and ensure there is scope to modify the guidelines prior to introducing the new guidelines.

3.3 A summary of the consultation undertaken is included in Attachment 1.

#### **4 CONSULTATION AND STAKEHOLDERS**

##### **4.1 *Public Consultation***

###### 4.1.1 Submissions received:

Up to 26 March 2010, Council had received 75 written submissions.

Attachment 2 provides a summary and analysis of all submissions received. Most submissions received objected to all or part of the proposed changes. A number of the submissions were supportive of the proposed changes.

###### Survey results

Sixty-six surveys were completed. Many respondents used the survey to lodge their comments so the comments raised have been treated as part of the feedback received to the draft guidelines. Attachment 3 provides a summary of all survey responses. Issues raised in survey responses have also been included in Attachment 2 if not otherwise raised in submissions received.

###### Petition

One petition was received as part of a submission. The petition has been included in the submission and will not be separately reported to the council.

##### **4.2 *Other consultation with key stakeholders***

4.2.1 Meetings were held with a number of trader groups across the municipality, the Liquor Licensees Accord, the Scooters Group and the Older Persons Reference Group.

4.2.2 Discussions were also held with the local police and the Alcohol Policy Unit, Department of Justice. Advice was also sought from a disability consultant, a parking consultant and legal counsel.

##### **4.3 *Internal consultation***

4.3.1 Internal consultation was held with Manager City Development, Manager Compliance and Parking, Coordinator Traffic, Transport and Parking, Local Laws Coordinator, Planning Coordinator, Councillor Liaison Officer, Development Compliance Coordinator, Place Manager for Activity Centres, and Council's Heritage Advisor

5 DISCUSSION

5.1 *Assessment of response to proposed changes*

Issue	Submissions/comments	Draft Options
<p>Clarification of the 6 priorities for footpath trading as: public safety; accessibility for all; residential amenity; vibrant street life; attractive streetscape and leisure opportunities.</p>	<p>Generally, there has been no concern with the 6 priorities raised.</p> <p>A number of submissions have strongly argued that the lack of priority for supporting a local prosperous economy or supporting local shopping strips is an omission. Submitters do not agree that a 'prosperous local economy' underpins all the priorities.</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Introduce 'local prosperous economy' as a priority on its own.</li> <li>• Merge 'local prosperous economy' with the residential amenity priority and redefine this priority as "balancing a local prosperous economy with residential amenity".</li> </ul>
<p>Clearer standards in some areas in relation to pedestrian zone widths, kerb zone widths, clearances from intersections, clearances for public transport infrastructure, requirement for delineation markers, display of goods height and width, A boards and planters.</p>	<ul style="list-style-type: none"> <li>• Clarifying that applicants can trade up to the property line if there is no adjacent trading zone.</li> </ul> <p>This is what is currently permitted but this is not clear in the draft guidelines</p> <ul style="list-style-type: none"> <li>• Width of the kerb zone if adjacent to parallel parking</li> </ul> <p>The minimum kerb zone in the current and draft guidelines is 700mm if adjacent to parallel parking.</p> <p>A number of submissions suggest a lower kerb zone width down to 400mm based on standards used in other municipalities and based on what is required to alight onto the kerb.</p> <p>Many of the comments made by</p>	<ul style="list-style-type: none"> <li>• Amend guidelines to clarify that applicants can trade up to the property line if there is no adjacent trading zone and adopt.</li> <li>• Adopt as per draft guidelines.</li> <li>• Adopt as per draft guidelines.</li> <li>• Adopt revised standard for kerb zone of 500m if adjacent to parallel parking.</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>submitters may be due to required kerb zones and gap requirements between trading zones and within trading zones greater than 10m wide not consistently being a permit condition, not being consistently provided by permit holders or not being enforced appropriately. This issue should be better managed as part of the implementation of the new guidelines.</p> <p>This issue has been reviewed by the Traffic Engineer and it is considered appropriate to reduce the minimum kerb zone width to 500mm. This is based on the current engineering standard in relation to the placement of street signs which requires a 500mm indentation and based on the ability for the average person to fit within a 500mm space. This combined with the gap requirements between trading zones and within trading zones greater than 10m will allow sufficient room for pedestrians to cross the road and allow passengers to gain access to parked vehicles.</p> <ul style="list-style-type: none"> <li>• Width of kerb zone if adjacent to angle parking</li> </ul> <p>The minimum kerb zone width was proposed to be 1300mm if adjacent to angle parking (current guidelines is 1200mm). A number of permits have been granted to date that have allowed an exemption to this width.</p> <p>A number of submissions felt that this distance was too restrictive. This issue was particularly highlighted by submitters in relation to the Elwood area, because of concern that this would lead to a significant reduction in footpath trading areas and the community life and culture of the city's shopping strips.</p> <p>Council's Traffic Engineer advises that for angle parking, there needs to</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Retain current standard for kerb zone of 1200mm adjacent to 90degree angle parking.</li> <li>• Adopt revised standard for kerb zone of 800mm adjacent to 45 and 60 degree angle parking if safety device is installed and café screens are not used subject to further consultation with relevant</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>be room for a 600mm overhang onto the footpath (as per the Australian New Zealand Standard for Parking Facilities for On-Street Car Parking Page 14, Figure 2-2 Layouts for angle parking spaces).</p> <p>Council's Traffic Engineer has advised that this distance could be reduced if appropriate safety barriers are installed (i.e. bollards). A bollard would need to be installed 650mm into the footpath (to allow for the vehicle overhang of 600mm over the kerb) at the centre point of each parking bay.</p> <p>In the case of 90 degree parking, where there are a line of cars parked in a row, there would need to be an additional space of 500mm beyond the initial 650mm, for pedestrians to use in order to be able to cross the street or move from parked cars to the pedestrian zone. In this case there would be little advantage in installing bollards.</p> <p>After further review, the Traffic Engineer supports the retention of the 1200mm kerb zone for 90 degree angle parking. This would affect areas such as Armstrong Street, Dundas Place and Bridport Street where it is proposed to retain the current 1200mm kerb zone guidelines and not allow any exemptions unless approved by the Traffic Engineer.</p> <p>In the case of 45 and 60 degree parking, the Traffic Engineer supports a reduction in kerb zone to 800mm if a bollard is installed 650mm into the footpath (to allow for the vehicle overhang of 600mm over the kerb) at the centre point of each parking bay. This is provided there are no café screens so pedestrians are able to move between the kerb and the pedestrian zone. This exemption would be made on a risk assessment based on the prevailing traffic patterns, accident rates and history of current arrangements in</p>	<p>stakeholders.</p> <ul style="list-style-type: none"> <li>• Adopt revised standard for kerb zone of 800mm adjacent to 45 and 60 degree angle parking if safety device is installed and café screens are not used</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>areas of the city where there is 45 and 60 degree angle parking (such as Ormond Road and Blessington Street).</p> <p>Although the proposed changes are more permissive than the initial proposal, a reduction in outdoor dining may still occur in areas where there is angle parking and narrow footpaths.</p> <ul style="list-style-type: none"> <li>• Cost of bollards</li> </ul> <p>There was concern from traders regarding the cost of safety measures with requests for fee relief or for council to install bollards at its own cost as a landlord cost of 'renting' the space to traders.</p> <p>The cost of the bollards has been at the trader's expense as the footpath trading has caused the need for the bollard to be installed. A revised protocol for the design, installation and maintenance of bollards (or any other safety devices) will need to be developed to address these situations consistently. This work is currently underway.</p> <ul style="list-style-type: none"> <li>• Width of kerb zone if adjacent to no standing anytime zone</li> </ul> <p>The draft guidelines propose a 1 metre clearance from no standing anytime zones. These zones are usually located close to intersections to allow for adequate sight lines. The Traffic Engineer advises that footpath trading within these zones within 10 metres of an intersection may have some more flexibility but that this would have to be assessed on a site by site basis. The minimum kerb zone in this instance would be 500mm. It is therefore proposed to include a section that allows the</p>	<ul style="list-style-type: none"> <li>• adopt as per draft guidelines.</li> <li>• adopt revised standard for kerb zone if adjacent to no standing anytime zone.</li> </ul>



Issue	Submissions/comments	Draft Options
	<p>revised guidelines. It should be noted that all permits within this category will still need to be assessed on a case by case basis by the Traffic Engineer.</p> <ul style="list-style-type: none"> <li>• Clearances from public transport infrastructure</li> </ul> <p>A number of submissions were concerned about the proposed clearances from public transport infrastructure. This section has been reviewed but there are no further changes proposed. It is considered that the clearances are required to support public transport use and to allow for passengers to be able to safely enter and exit public transport (including taxi) services directly onto the footpath.</p> <ul style="list-style-type: none"> <li>• Increasing pedestrian zone widths in certain areas.</li> </ul> <p>A number of submissions felt that there is insufficient justification to increase existing pedestrian zone widths as proposed in the draft guidelines (i.e. increasing the pedestrian zone for footpath widths of 4.1m-5m from 1.8m to 2.3m and for footpath widths of 5.0m-6.9m from 2.3 to 2.5m). It is considered that the proposed changes are justified as the wider street should allow for a wider pedestrian zone. However in certain cases there may be an argument for a variation for a particular precinct.</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with changes proposed in submissions.</li> <li>• Adopt as per draft guidelines.</li> <li>• Adopt but allow variation if supported by precinct specific guidelines.</li> </ul>
<p>Introducing compulsory socket and sleeve systems for some removable screens and all umbrellas.</p>	<p>There is general support for the sockets. There was some concern expressed over the inability to move umbrellas to respond to sun and rain conditions. There was concern from traders regarding cost and requests</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with fee discount for</li> </ul>

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Issue	Submissions/comments	Draft Options
	for fee relief or for council to install sockets at its own cost.	2010/2011.
<p>Ensuring (Disability Discrimination Act 1992) DDA compliance by not permitting trading against the building line in order to allow for a continuous accessible path of travel.</p>	<p>There is strong support for DDA compliance except from traders who do not currently comply.</p> <p>Further DDA and legal advice on council's obligations was sought.</p> <p>The advice is that there should be full compliance with the DDA requirements at all times. Council does have some flexibility to allow a departure from the DDA requirements on a site by site basis. Such circumstances would include the following:</p> <ul style="list-style-type: none"> <li>• Where temporary objects or structures located on the footpath effectively create a new building line which fits into the prevailing street pattern or, is sufficiently long enough to create its own prevailing building line, or</li> <li>• Where there are isolated sites, or</li> <li>• Where there is an obligation to consider broader community safety. For example in the cases of queuing for licensed venues.</li> </ul> <p>It is proposed that any applications that fall into any of the above categories be referred to the Footpath Trading Panel for consideration and recommendation.</p>	<ul style="list-style-type: none"> <li>• Not adopt and not allow any consideration of any proposal which results in a departure from DDA requirements.</li> <li>• Adopt with changes proposed which provide flexibility to allow a departure from the DDA requirements in particular circumstances after review by the Footpath Trading Panel.</li> </ul>
<p>Introducing a new guideline for access to toilets for venues where the combined seating capacity is 20 seats plus.</p>	<p>This has been generally supported in survey responses. The only disagreement was in the case where small business would not be able to accommodate this requirement.</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Not adopt.</li> </ul>
<p>Introducing a smoker's area and managing queuing on the footpath.</p>	<ul style="list-style-type: none"> <li>• Smoker's area – to operate after 10pm</li> </ul> <p>To date there has been mixed support in the submissions for the proposed smoker's area requirements. Many submitters were</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with additional dot points relating to the use of</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>not in favour of smoking on the footpaths generally, or in outdoor dining areas, or felt that the council should not be supporting smoking in footpath trading areas/public spaces as it is a health hazard and unpleasant for passing pedestrians. However many traders were in favour of the proposed smoker's area and felt that it will provide them with options to better manage their patrons. There was support for making smoker's areas standing only and furniture-free as it will discourage patrons from lingering unnecessarily.</p> <p>Some of the additional suggestions regarding the smokers' areas include:</p> <ul style="list-style-type: none"> <li>• Permitting umbrellas within the area in case of rain.</li> <li>• Calculating permitted patrons based on 1 patron per 0.75 square metres. This is the same calculations used by liquor licensing when calculating permitted numbers within standing room at a licensed premise, i.e., within bar areas. This is instead of permitting the same number of patrons as permitted for outdoor dining.</li> <li>• Allowing the operator to choose when to convert all or part of the outdoor dining area to a smoker's area within the hour between 10pm and 11pm (when the footpath dining permit expires).</li> <li>• Allowing smoker's areas to apply from 11pm only.</li> <li>• Enclosing outdoor smoking areas with see-through (transparent) material, e.g. perspex to minimise impacts on other footpath users.</li> </ul> <p>It is considered reasonable to:</p> <ul style="list-style-type: none"> <li>• allow the use of umbrellas when raining in order to encourage</li> </ul>	<p>umbrellas, patron number calculation, commencement time, and clear demarcation between queuing and smoker's areas.</p>

Issue	Submissions/comments	Draft Options
	<p>smokers to remain in the smoker's area in the event of rain,</p> <ul style="list-style-type: none"> <li>• calculate patron numbers on 1 person per 0.75 m<sup>2</sup> as this is an internal standard and provides for persons to stand comfortably within the space given that the outdoor dining area can accommodate more people than the 1 person per 1 m<sup>2</sup> rate due to the removal of the table and chairs, and</li> <li>• allow the establishment of the smoker's area to occur between 10pm and 11pm to provide flexibility for the operator to balance the use of the outdoor dining area against the need to commence the smoker's area on any given night and to allow for appropriate monitoring and enforcement to occur if required.</li> </ul> <p>It is not considered reasonable to:</p> <ul style="list-style-type: none"> <li>• enclose outdoor smoking areas with see-through (transparent) material as this may not be consistent with smoking legislation requirements.</li> </ul> <p>The Department of Justice's document <i>Design Guidelines for Licensed Venues, February 2009</i> recommends that there be a clear area demarcated as a smoker's area and that this be separated from the queuing area. The police concur with this advice.</p> <p>It is proposed to retain the smoker's area guidelines and include additional dot points relating to the use of umbrellas, patron number calculation, commencement time, and clear demarcation between queuing and smoker's areas.</p>	

Issue	Submissions/comments	Draft Options
	<p><u>Queuing</u></p> <p>There has been a high level of concern expressed in submissions about the practicability of introducing the proposed queuing proposal from operators of night time venues from a safety and practicability perspective, especially as the queues would be difficult to control and monitor away from the building line and away from the CCTV coverage.</p> <p>As part of addressing this issue, discussions were held with the local police and the Alcohol Policy Unit, Department of Justice. Of particular assistance was the Department's <i>Design Guidelines for Licensed Venues, February 2009</i> which contains several sections on queuing and footpath trading in relation to licensed venues. Further discussions were also held with members of the Liquor Licensee Accord.</p> <p>It is recommended that the section on queuing be revised to cover queuing for general purposes and for licensed venues.</p> <p>Queuing for general purposes is proposed as follows:</p> <p><b>Queuing – for general purposes</b></p> <p><i>It is the permit holder's responsibility to ensure that their patrons or clients do not impede the flow of pedestrian traffic in the pedestrian zone. Businesses that attract a large number of patrons who queue outside the premises should accommodate these patrons in an orderly fashion within the trading zone.</i></p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with changes proposed.</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>It is proposed that the proposed queuing for licensed venues be adopted in principle subject to the detail of the arrangements being further developed in consultation with relevant stakeholders. On this basis, the queuing for licensed venues would be as follows:</p> <p><b>Queuing– for licensed venues</b></p> <p><i>It is the permit holder’s responsibility to ensure the safe management of patrons queuing to venues. The guidelines below are based on the Design Guidelines for Licensed Venues, February 2009, Alcohol Policy Unit, and Department of Justice.</i></p> <p><i>The following applies:</i></p> <ul style="list-style-type: none"> <li>• <i>Queue of patrons are to be contained within the venue where practical.</i> <ul style="list-style-type: none"> <li>○ <i>Footpath queuing lines can be contained along the building line within an entire precinct or streetscape provided certain arrangements apply.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with changes proposed in principle, subject to further consultation on what certain arrangements would apply.</li> </ul>
<p>Clarifying standards for outdoor heaters and aiming to reduce their environmental impact</p>	<p>This has been generally supported in submissions received and in survey responses. The only disagreement was from a number of submitters who felt that the council should not support outdoor heating for environmental reasons. There was one submission that argued for the use of fixed electric heating from an environmental perspective, as in their experience, it is less wasteful and more effective.</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Not adopt.</li> </ul>
<p>Allowing outdoor furniture to remain securely stacked within the trading zone at the end of footpath trading time until the close of</p>	<p>This has been generally supported. No comments were received opposing this guideline.</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Not adopt.</li> </ul>

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Issue	Submissions/comments	Draft Options
business.		
Clearer enforcement approach to non-compliance with permit conditions.	This has been generally supported in submissions received and in survey responses.	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Not adopt.</li> </ul>
New process to relocate public infrastructure to support footpath trading.	This was not commented on in any submissions received or survey responses.	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Not adopt.</li> </ul>
<b>Other issues raised:</b>		
Travelling and parking on the footpath – are scooters, motor cycles and bicycles able to travel and park on the footpath?	A number of submissions raised the issue as to the rights of scooters, motor cycles and bicycles to travel and park on the footpath. This is covered in section 197 of the Road Safety Rules 2009. It is proposed to include a section in the guidelines clarifying travelling and parking on the footpath.	<ul style="list-style-type: none"> <li>• Add additional commentary.</li> <li>• No changes to draft guidelines.</li> </ul>
Consistency and transparency of permit assessment, appeals and enforcement process.	<p>A number of submissions listed their concerns with the process of decision making on permit applications, the transparency of and ability to appeal decisions on permits applications and enforcement decisions.</p> <p>The issues related to a number of logistics with regard to decision-making on applications, whether an independent assessment and transparent process exists for appeals and a perceived lack of consistency and transparency in enforcement.</p> <p>This matter has been discussed with Council staff and legal advice has been sought.</p> <p>It is proposed to amend the text relating to the Footpath Trading Panel to clearly explain the process for considering special circumstances, exemptions and appeals. Applications will be referred</p>	<ul style="list-style-type: none"> <li>• Adopt as per draft guidelines.</li> <li>• Adopt with changes to improve the consistency and transparency of permit assessment, appeals and enforcement process.</li> </ul>

Issue	Submissions/comments	Draft Options
	<p>to the Panel in cases where an application does not clearly meet or will be a substantial departure from the guidelines, or where there are special circumstances. Each case will be decided on its merits.</p> <p>Special circumstances could include factors such as the following:</p> <ul style="list-style-type: none"> <li>• Demonstrated hardship in conforming to new standards;</li> <li>• Established precedent;</li> <li>• Existence of mitigating factors such as street barriers, kerb extensions, etc;</li> <li>• Previous council approval and prohibitive expense in replacing existing infrastructure e.g. evidence of contributions to street furniture, glass screens etc</li> <li>• Supports the achievement of the footpath trading priorities.</li> </ul>	
<p>Whether transparent blinds could be introduced for certain areas.</p>	<p>A number of submitters support the introduction of transparent blinds to provide a more comfortable and weather protected outdoor environment. This is a particular issue for traders in Fitzroy Street and Ormond Road.</p> <p>Submitters indicated that blinds encourage a more vibrant streetscape throughout the year and support the local economy. Transparent blinds are permitted in neighbouring Glen Eira and Stonnington. The urban design/public realm advice is mixed with arguments for and against permitting transparent blinds subject to conditions by council officers. Blinds would be attached to either a café barrier or to a hook in the ground designed not to create a trip hazard (similar to a socket and sleeve).</p>	<ul style="list-style-type: none"> <li>• Adopt.</li> <li>• Not adopt.</li> <li>• Adopt subject to conditions and for specific precincts subject to further consultation.</li> </ul>

Issue	Submissions/comments	Draft Options
Whether umbrellas could partly fall into the pedestrian zone if there was a certain minimum height above the footpath.	<p>The current and proposed draft guidelines state that the umbrella must not fall outside the trading zone.</p> <p>Clarification by Council's traffic engineer states that the umbrella can overhang into the pedestrian zone provided there is a minimum clearance of 2.2 metres.</p>	<ul style="list-style-type: none"> <li>• Adopt draft guidelines.</li> <li>• Adopt with the umbrella allowed to overhang the pedestrian zone provided there is a minimum 2.2m clearance.</li> </ul>

**5.2 Other issues raised in submissions:**

A number of submissions raised additional general issues including:

- (a) Concern about destroying the special ambience, community feel and commercial viability of the city's shopping strip by being over-zealous in prescribing and enforcing footpath trading requirements.
- (b) Council's level of engagement with traders and the importance and priority allocated to the business community.
- (c) Current condition of the footpaths and general shopping strips.
- (d) The restrictiveness of the "One Policy Fits All" approach and support for special trading guidelines tailored to different areas.

**5.3 Parking research**

5.3.1 The parking research shows that the overall number of patrons (i.e., number of patrons seated indoors plus number of patrons seated outdoors) is lower than the number of seats available inside the surveyed venues. A copy of the report is attached in Attachment 4.

**6 ALIGNMENT TO COUNCIL PLAN**

**6.1 Alignment To Council Plan**

6.1.1 The proposal is consistent with the Council Plan and in particular the Plan's emphasis on Enhancing Liveability and section 4.1 A sense of place and section 4.2 Shaping the future of our city.

**6.2 Policy Implications Plan**

6.2.1 This proposal is consistent with the Council Plan and Council's Local Laws.

**6.3 Finance / Resource Implications**

- 6.3.1 There are finance/resource implications associated with the implementation of the new guidelines.

**6.4 Legal & Risk Implications**

- 6.4.1 Legal/risk issues have been addressed as part of the draft guidelines. Proposed changes to the Guidelines, to permit administration as well as the new application forms will assist in making these responsibilities clearer.
- 6.4.2 Addressing DDA compliance will also support Council's responsibilities under the Disability Discrimination Act 1992.

**7 IMPLEMENTATION STRATEGY**

**7.1 Community Consultation and Transition Plan**

- 7.1.1 The phasing of new guidelines from 1 July 2010 is proposed as follows:

- Compliance with existing permit requirements – immediate
- Compliance with changes to guidelines:
  - No expense to trader – from 1 July 2010
  - Trader incurs additional expenditure as a result of purchasing new or adapting existing equipment – to be completed by 30 June 2011
  - Special cases – to be determined in consultation with traders and/or referred to Footpath Trading Panel for recommendation

- 7.1.2 Once the guidelines are finalised the proposed process to renew permits is as follows:

- May 2010 – Council adopts new guidelines.
- Mid May 2010 - renewal notices issued with new application form and self-assessment letter to ensure all details are correct on system.
- May – 30 Jun 2010 – payments received from applicants for renewals with completed self-assessment forms.
- Mid June 2010 - reminder notice issued for renewal of permits.
- July – Dec 2010 – All permits will be re-assessed against the new guidelines. Site visit of approximately 900 premises will be undertaken to assist assessment of permits and to ensure compliance with new guidelines. Agreement of transition plans where approved with up to 12 months to comply with new permits. Refunds will be issued if a reduction in footpath trading occurs after the site assessment. Permits and new applications will be referred to the Footpath Trading Panel for further consideration where appropriate.
- Mid July 2010 - Final notice issued for permit holders. Permits will be cancelled if not paid.

- July 2010 – June 2011 - Ongoing administration and enforcement of footpath trading.
- After July 2011 there will be more proactive inspection and greater enforcement of permits.

**8 OFFICER DIRECT OR INDIRECT INTEREST**

- 8.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.