



# **BUSINESS USE OF PUBLIC FOOTPATH**



## **BUSINESS USE OF PUBLIC FOOTPATH**

### COMMUNITY GROWTH - PROPERTY & ECONOMIC DEVELOPMENT

#### **POLICY OBJECTIVE**

To encourage the establishment of appropriate outdoor dining areas throughout Gosford Local Government Area, which promote a safe, attractive and vibrant environment for local residents and visitors to the area.

To permit the limited business use of public footpath for street vending purposes, directly outside suitable businesses, throughout Gosford Local Government area, to help retailers with promotion of their businesses in an ever increasing competitive field.

To minimise disruption to neighbouring businesses and surrounding environment by regulating and monitoring approved business activities on public footpath.

To ensure suitable pedestrian thoroughfare zone is available along the footpath for all road users.

To improve the amenity and character of Business Districts throughout the Gosford Local Government Area.

#### **POLICY STATEMENT**

Outdoor dining and street vending areas, as a form of activity on the street, can make a significant contribution to the quality of public places and urban life. They can provide an active street frontage that is alive and continuously changing. They offer the opportunity to withdraw from participating in the movement of the street and become an observer. They are natural locations for both arranged and spontaneous social interactions.

This document provides guidance and encourages establishment of business activities on public footpath, wherever feasible and appropriate throughout the City of Gosford.

The intention is to expand opportunities for outdoor dining and street vending throughout the city, while maintaining a safe environment.

#### **GUIDELINES AND REQUIREMENTS**

Detailed information regarding Business Use of Public Footpaths, which is not mentioned in this policy, may be obtained from corresponding document "Guidelines for Business Use of Public Footpath". That document may be obtained from Council's website: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au) or by telephoning Council's Property and Economic Development on 4325 8222.

## LICENCE AGREEMENTS

All business uses of public footpath areas must be covered by an appropriate Licence Agreement.

There are three main licence agreements, and one non-licence approval for various activities associated with business use on public footpath in Gosford Local Government Area:

- i Outdoor Dining on Public Footpath Licence (includes chairs and tables only)
- ii Street Vending on Public Footpath Licence (includes display racks/stands only)
- iii Removable structures on Public Footpath Licence (Optional with either i or ii - includes pot plants and umbrellas)
- iv Fixed structures on Public Footpath require Council Approval
- v Temporary Business Use of Public Footpath Approval (Maximum 24 hours - Only Application fee required)

## FEES AND CHARGES

Application and Annual Licence fees are to be paid in accordance with Council's annually reviewed Schedule of Fees and Charges, available on Council's website: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au).

## APPLICATION PROCESS

1. Complete appropriate Application form. An Application form is provided in Appendix B of the Guidelines for Business Use of Public Footpath, which may be obtained via Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au), and/or is available from Council's One Stop Shop located on the Ground Floor of Council's Administration Building at 49 Mann Street, Gosford, Council's Customer Service Centres located at Kincumber, Erina and Woy Woy Libraries, or by telephoning Council's Property & Economic Development Unit on (02) 4325 8222;
2. Supply an accurately detailed map to scale (min 1:50) showing all relevant street and property boundaries of the existing business, including those property boundaries on either side of the dining area, and existing and planned fixtures (Section 4.4 of the separate Guidelines for Business Use of Public Footpaths illustrates a typical plan);
3. Provide colour photograph or brochure showing proposed outdoor furniture;
4. Provide Certificate of Currency for Public Liability insurance in the sum of not less than \$10,000,000. If the Licence is approved, the policy will require endorsement noting Gosford City Council's respective rights and interests and indemnifying Gosford City Council for the licensed area. A copy of the revised Public Liability policy is to be attached to the Licence Agreement upon execution. On renewal of the policy each year, a copy is to be forwarded to Gosford City Council and attached to the Licence Agreement;

5. Pay required Application and Licence fee in accordance with Council's current Schedule of Fees and Charges (The fees will be refunded if the application is not approved).

**Note:** Businesses proposing to serve alcohol in outdoor dining areas require a separate additional licence under the Liquor Act, 1982.

When an application for business use on a public footpath is received, Council's Property & Economic Development Staff will initially inspect the area to ensure the proposed area is suitable for the proposed activity. Where Property Services staff cannot immediately approve a proposal, the application may be referred to Council's City Services Directorate for further assessment.

## **TERMINATION OF LICENCE AGREEMENT**

Council reserves the right to cancel the Licence, at any time, if the licensee fails to comply with any condition of the Licence Agreement or policy, or where Council's Chief Executive Officer considers that an unacceptable public risk or inconvenience exists, or the area is required for any other purpose by Council. Notice of cancellation shall be given in writing to the licensee and will take effect immediately. The licensee will not be entitled to any damages or compensation with respect to loss of business, or rental payments in respect of the unexpired portion of the Licence Agreement.

Grounds for cancellation of the licence also include illegal consumption of alcohol in designated Alcohol Free Zones (AFZ's) during café or restaurant business hours.

## **DISCLAIMER**

Council accepts no responsibility or liability for any interruption to business caused by the need for Council or any other authority to carry out any type of maintenance works on the licensed footway area or any other interruption to business howsoever caused.

Council may agree to a rental rebate if such interruption results from maintenance works carried out by Council and renders at least 30% of the outdoor dining area unusable. Such rebate will be considered on an individual case basis upon written application to Council's Chief Executive Officer. A rebate will only be considered where the interruption is equal to or more than one week (7 days).

## **COUNCIL'S COMMITMENT TO IMPROVEMENT**

Trading environments change and new and better ways of doing things are always emerging. Council welcomes any comments or suggestions regarding this policy. Please forward written comments or suggestions to:

The Chief Executive Officer  
Gosford City Council  
P O Box 21  
Gosford NSW 2250.

(Minute No 2006/995 - 12 December 2006)

(Minute No 2009/610 - 1 September 2009 - Review of Policies)

(Minute No 2013/388 - 16 July 2013 - Review of Policies)