

August 2023

To Christchurch City Council,

Please find attached DPA’s submission on Outdoor Dining Policy Review

For any further inquiries, please contact:

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**Introducing Disabled Persons Assembly NZ**

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/$file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**UN Convention on the Rights of Persons with Disabilities**

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),1 a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 3 – General principles**
* **Article 9 – Accessibility**
* **Article 19 – Living independently and being included in the community**
* **Article 20 – Personal mobility**

**New Zealand Disability Strategy 2016-2026**

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy2 to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 5 – Accessibility**

# The Submission

DPA welcomes the opportunity to feedback to the Christchurch City Council on the Draft Outdoor Dining Policy Review and associated Draft Outdoor Dining Guidelines.

DPA supports the concept of outdoor dining as a growing area within hospitality, mainly during the spring and summer months.

Cantabrians enjoy the ability to get out and about and, as part of that, imbibe the growing outdoor dining and cafe culture that has arisen in Christchurch. It is vital to ensure that this experience is enjoyable and accessible for everyone, including disabled people.

DPA acknowledges that the CCC is trying to get the policy right in terms of inclusion of disabled people as we note that it has engaged with representatives of the disabled community through the Council’s Accessibility Advisory Group on this topic.

We also note this from the references made to the needs of disabled people in the draft policy document.

Other aspects of the policy and associated guidelines that we endorse are the need for smokefree and vape free dining environments given that many disabled people and people with health conditions experience respiratory issues, the need for safe furniture to be used, that tables be accessible to disabled people including those using wheelchairs and mobility aids, and a requirement that there be no sandwich boards used for advertising within dining areas.

However, DPA would like to make some recommendations that would further tweak the policy by ensuring full accessibility and safety for everyone using outdoor dining areas.

**General observations**

DPA welcomes the statement in the policy’s purpose section about balancing the competing demands for public spaces with the need to maintain footpaths as being accessible for all.

DPA also welcomes the statement in the policy’s objectives section of needing to maintain pedestrian priority by ensuring safe, adequate and predictable pathways suitable for all pedestrians including wheelchair and mobility aid users.

DPA recommends that this objective be amended to also cover blind and low vision people, D/deaf people and neurodiverse communities who can be potentially disoriented by the placement of outdoor dining facilities as well.

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| **Recommendation 1:** that the objectives be amended to include recognition of the need for blind and low vision, D/deaf and neurodiverse communities to have safe, adequate and predictable pathway access. |

DPA supports the proposed requirements for outdoor dining applicants when applying for a licence, including the need to maintain accessible pathways.

Successful licensees should also be required to display their outdoor dining licenses in a prominent place in the area where dining activity has been approved. These should contain a direct link (which can be accessed via mobile internet) which people can access if they have any issues with the site. This information should also contain postal address and phone numbers for people who have issues as some people are not able to access the internet.

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| **Recommendation 2:** that outdoor dining licensees be required to display their licenses in a prominent area where dining activity has been approved alongside relevant, accessible information. |

Licensees should be required to ensure that any outdoor dining furniture is placed on even surfaces and in a way which means that people don’t have to go on the road to access or get around tables.

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| **Recommendation 3:** that any outdoor dining furniture is placed on even surfaces and in a way which avoids people having to go on the road to get around tables. |

**Outdoor Dining Guidelines**

DPA believes that in respect of the Outdoor Dining Guidelines that licensees should be also advised that canopies need to be self-supporting to ensure the safety of diners, pedestrians and road users.

Colour contrast is needed on poles to ensure that blind and low vision diners and other disabled diners are easily able to locate tables.

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| **Recommendation 4:** that all licensees are advised that canopies need to be self-supporting for safety reasons. |

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| **Recommendation 5:** that colour contrast is used on poles to ensure that blind and low vision and other disabled diners are easily able to locate tables. |

DPA would like to see information about outdoor dining and how to go about making complaints available in accessible formats online including in New Zealand Sign Language, Braille, Large Print, Easy Read and audio.

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| **Recommendation 6:** that the CCC ensure that all information about outdoor dining and making a complaint is made available in accessible formats online. |