



Outdoor Dining Policy

Reference Number:	1.44
Classification:	Policy – Public
Subject:	Corporate Governance
Department:	Corporate Services
Responsible Officer(s):	Chief Executive Officer, Director Corporate Services & Manager Administration
Community Plan Reference:	Strategic Direction Seven – Asset Management
First Issued/Approved:	15 th April 2003 (Folio 2760; Item 16.1)
Review Frequency:	Every 4 years after each general election
Last Reviewed:	15 th February 2011 (Folio 4519; Item 11.1.9)
Next Review Date:	December 2014
Council File Reference:	GF/3.63.1 & GF/3.71.9
Applicable Legislation:	Local Government Act 1999
Relevant Council Policies / Procedures / Guidelines:	This Policy should be read in conjunction with:- Council Delegations
Consultation:	ELT, Council

1. STATEMENT

The Outdoor Dining Policy applies to the use of all footpaths and other Council land in the Wattle Range Council area for commercial purposes, by an organisation, individual or business.

2. DEFINITIONS

There are no known definitions related to this policy.

3. PRINCIPLES

Wattle Range Council seeks to promote, through this Policy, the outdoor dining experience is a desirable part of our lifestyle, and such facilities add significantly to the character, liveliness and style of a street, park or shopping precinct.

As public land is often utilised for outdoor dining, Council seeks to encourage business operators and community organisations to develop outdoor dining facilities in a responsible, safe and appropriate manner to protect the public interest in the land.

APPLICATION

Outdoor dining requires an operating licence and may, in some cases, require Development Approval.

Outdoor dining licences will not be granted unless they satisfy all criteria as detailed in Council's Outdoor Dining Policy.

For an outdoor dining area to serve alcohol, a further application must be made to the Council, and subsequently to the Office of the Liquor Licensing Commission.

DOCUMENTATION TO BE PROVIDED

An application for an outdoor dining licence consists of:

- a fully completed Application Form;

- a Certificate of Currency for public liability insurance, to the value of ten million dollars (\$10,000,000), specifically indemnifying Council;
- photographs / photocopies of the proposed furniture;
- a scaled (1:100 minimum) dimensioned plan showing the proposed location of the tables and chairs. Two copies are required;
- fees in accordance with the Council's Schedule of Fees and Charges.

LICENCE FEE

The use of a public footpath as an outdoor dining area attracts an annual licence fee calculated on a setting, as defined a one table, four chairs and one umbrella.

If the licence fee is not paid within four (4) weeks of expiry then the removal of the furniture from the footpath may be undertaken by Council Officers. The furniture will be impounded at the nearest Council Depot, and can be collected upon payment of the appropriate Licence Fee.

TRANSFER OF LICENCE

A licence can only be transferred to a new business operator by way of a new Application. Council is unlikely to oppose the transfer of an existing licence that has been previously approved and satisfactorily operated.

PERIOD OF LICENCE

A licence is granted for a period of 12 months from the date of approval, unless otherwise agreed to by Council.

LICENCE

The licence will not commence to operate, and no table, chair or other outdoor dining furniture is to be placed in the defined area, until payment of the application/licence fee and Council approves the Application. The Licence issued by Council may include a number of conditions that need to be complied with at all times.

The Licensee shall not commence any activity associated with the licence until a Public Liability Insurance Certificate is returned to the Council endorsed by the Licensee's Insurer.

The Licence issued by Council shall at all times comply with the requirements of this Policy.

CANCELLATION OR AMENDMENT OF LICENCE

A Licence can be cancelled or amended if: -

1. The proprietor fails to comply with the conditions of the licence and Council's Outdoor Dining Policy, or there are changed conditions affecting the outdoor dining area in its particular location, such as increased risk to health or safety.
2. The Council wishes to alter the public infrastructure. In such instances the licensee will be given a minimum of three (3) calendar months notice.
3. Council or Service Authorities require accessing the area for the purpose of installing and/or maintaining infrastructure.

RENEWAL OF LICENCE

A licence will only be renewed after a review by the Council of the operations, health and safety conditions relating to the outdoor dining area. The licence will not be renewed if the review is unsatisfactory.

The review will be undertaken by Council's Development Manager, General Inspectors and/or the Environmental Health Officer.

It should be noted that Council Officers may review/inspect the outdoor dining area at various times during the year.

PUBLIC LIABILITY INSURANCE

Licensees are required to hold public liability insurance with a minimum cover of ten million dollars (\$10,000,000). Policies must note the Council as a "specified person" for the purposes of Section 48 (1) of the Insurance Contracts Act 1984.

A Certificate of Currency for the policy must accompany the application for, and renewal of, an outdoor dining licence.

PUBLIC USE

Outdoor dining areas remain public spaces. Outdoor dining operators and their patrons do not have exclusive use of the area.

APPROVALS / DELEGATIONS

The Chief Executive Officer, Deputy Chief Executive Officer or Senior Administration Officer are delegated the authority to approve Applications which are in accordance with the Council Policy and comply with the various requirements.

The Council shall determine any Application which is recommended for refusal, and/or which is deemed to be of a controversial nature.

RESPONSIBILITY

The Chief Executive Officer, Director Corporate Services and Manager Administration are responsible for compliance of this policy.

4. REVIEW

This Policy will be reviewed every four years after each general election.

5. AVAILABILITY

This Policy is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent
- Council Website: www.wattlerange.sa.gov.au.

A copy of the Policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

6. ADOPTION AND AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Date	Authorised by	Minutes Reference
15 th April 2009 (Adopted)	Council	Folio 2760; Item 16.1
9 th June 2009 (Reviewed)	Council	Folio 4178; Item 11.6.1
14 th September 2010 (Reviewed)	Council	Folio 4467; Item 11.1.5
15 th February 2011 (Reviewed)	Council	Folio 4519; Item 11.1.9

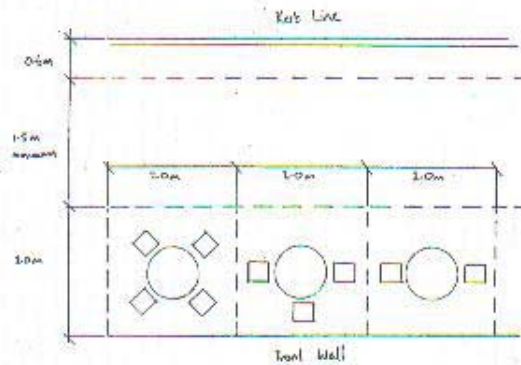
Appendix A Defined Areas – Footpath Dining Area

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Appendix 6.1 Defined Areas – Footpath Dining Area

Adjacent minimum clearance for pedestrian traffic.

Indicative layout for furniture with four, three and two chairs per table



Adjacent minimum clearance for pedestrian traffic.

Indicative layout for furniture with four, three and two chairs per table (chairs must not back kerb)

