



OUTDOOR CAFÉ PERMIT APPLICATION

(For moveable furniture on the footpath)

NEW APPLICATION ☐

RENEWAL APPLICATION ☐

I:

for and on behalf of

_____ hereinafter called

the "Permit Holder" of

_____ (address)

_____ (telephone)

Hereby make application to the Mid Murray Council for an Outdoor Café Permit, pursuant to Section 222 of the Local Government Act 1999, and in accordance with the information described below:-

Business Name: _____

Proposed location: _____

Proposed hours of operation - Sunday:
Tuesday:
Thursday:
Saturday:

Monday:
Wednesday:
Friday:

Number of tables: _____ Number of chairs: _____

Fee structure: Application Fee: \$115.00 (GST free)

Annual Fee: \$64.00 (GST inclusive)

Plan of Outdoor Café

A sketch showing the area requested to be occupied and the proposed position of tables, chairs, umbrellas and other outdoor furniture must be provided. It need not to be drawn to scale but must include width and length of footpath outside the premises. (Should also show; entrance to premises, position of any verandah posts, litter bins or other structures and proposed signage etc.).

The issuing of this permit is subject to:-

- (a) the Permit Holder agreeing to the general conditions of the permit as contained herein;
- (b) the Permit Holder agreeing to all special conditions that the Council may determine;
- (c) the Permit Holder pays the prescribed fee;
- (d) the Permit Holder providing a copy of all appropriate insurance as required by either the General Conditions, or Special Conditions of Permit.

This Permit expires on the 30 September each year.

General Conditions of Permit

1. The Permit Holder agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges, and expenses whatsoever which may be brought, made or claimed against them, arising out of, or in relation to, the issuing of this Permit.
2. The Permit Holder shall take out and keep current, a Public Risk Insurance policy in the name of the Permit Holder, insuring the Licence holder for the minimum sum of ten million dollars (\$10,000,000) against all actions, costs, claims, damages, charges, and expenses whatsoever, which may be brought, made, or claimed against the Permit Holder in relation to the activity.
3. The Permit Holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the insurer indicating the Insurer accepts the indemnity given by the Permit Holder.
4. The Permit Holder, where appropriate, shall ensure that it is licensed, or registered, to carry out the activity authorised by the issuing of this Permit.
5. This Permit is not transferable.
6. The Permit Holder shall comply with, and give all notices required by any Act of Parliament, Ordinance, Regulation, or By-law relating to the activity.
7. This permit is liable to be revoked by Council if the Permit Holder fails to comply with any condition of this permit or may be revoked in any other justifiable circumstance.
8. This Permit will not come into operation until proof of the appropriate insurance has been provided to the Council, the relevant fees paid, and a copy of this document, signed by Council has been returned to you.
9. No tables, chairs, umbrellas, and plant pots etc. to be located outside the defined area.
10. Once the Permit is granted no alteration to the defined area, number of tables, chairs, umbrellas or pot plants etc., or the hours of operation will be allowed. If any alteration to the Permit is required then a new application for a Permit must occur.

General Conditions of Permit cont'd

11. Where the Outdoor Café is conducted in conjunction with premises licensed under the *Liquor Licensing Act 1997*, and the Permit Holder desires to serve alcoholic beverages in the Outdoor Café, a separate application must be made to the Liquor & Gambling Commission for a licence to serve the same, and all conditions set by the Liquor & Gambling Commission are complied with.
12. All persons, equipment and activities associated with the operation of the Outdoor Café shall remain wholly within the defined area, except for the conveying of food, drink, tableware and furniture across the footpath.
13. The Permit Holder shall not prepare, or permit to be prepared on the footpath, any food or liquid refreshment for the purpose of serving same at the Outdoor Café. Such food or liquid refreshment shall be prepared in an adjoining approved premise.

For the purpose of conveying meals and liquid refreshments from the place of preparation to the table, tray-mobiles or other similar conveyances may be used, provided that they do not remain on the footpath except whilst actually being used to convey the refreshments.

14. All meals and liquid refreshments served at the Outdoor Café shall be conveyed thereto in covered containers approved by the Environmental Health Officer of the Council.
15. Cutlery, crockery and glassware shall not be left on the tables, and shall be laid out only when a meal is ordered.
16. The operation of the Outdoor Café is to be to the satisfaction of Council's Environmental Health Officer, in all food and health related matters.
17. The Permit Holder shall supply and install litter bins and other street furniture of a type and design approved by the Council. The number of litter bins to be supplied and installed shall be determined by the Council.
18. The Permit Holder shall cleanse and keep clean, the pavement of the Outdoor Café, the tables, chairs and other furniture, and shall also keep the footpath and roadway in the vicinity of the Outdoor Café clear of litter and waste materials, and remove all sweeping and wash-down wastes from the street. No waste or sweepings shall be swept or placed into the water table.
19. The defined area shall be cleared of obstructions as required by the Council for pavement maintenance and repair work. Except for emergencies, at least twenty-four hours notice will be given of this requirement.
20. The Permit Holder shall bear the cost of all pavement repairs carried out by the Council within the defined area of the Outdoor Café, which in the opinion of the Council have been caused by the activities of the Outdoor Café. This shall include, but not be limited to, the replacement of jointing material removed from brickwork paving in sweeping and washing down of the pavement.
21. All Outdoor Café furniture shall be maintained to the satisfaction of the Council. This includes the selection and maintenance of any plants and plant containers.
22. The maximum size of tables to be negotiated with Council taking into account pedestrian movement.

General Conditions of Permit cont'd

23. All Outdoor Café furniture shall be removed from the footpath at the close of business on each day.
24. The Chief Executive Officer may give notice requiring certain work to be done by the Permit Holder within 14 days from the giving of such Notice and if the work specified in the Notice has not been completed within the said 14 days, the Council may by notice in writing signed by the Chief Executive Officer, cancel the Permit forthwith.
25. This Permit shall be produced to any Environmental Health Officer or other Authorised Officer of the Council on request.
26. This Permit is to be construed as continuing for the purposes of indemnification and insurance whilst tables, chairs and other outdoor café furniture are on the footpath (whether authorised by this Permit or not), for the period from the commencement of this Permit until a Permit is obtained by the transferee of the Permit holders business, for which this Permit was obtained, or until this Permit is renewed by the Permit Holder.
27. The hours of operation are to be as set out in the Council Authorisation notice at the end of this Permit.
28. Should Council be of the opinion that the Permit Holder requires to provide protection to the outdoor dining patrons from intrusion of impacting vehicles, the Permit Holder must organise and bear all costs associated with the purchase and installation of approved crash tested protection barriers (e.g. crash tested bollards).
29. All fixtures and equipment erected or installed in, on, under or over the road remain the property of the Permit Holder pursuant to Section 209 of the Local Government Act 1999.
30. Umbrellas must be adequately secured in an approved manner and have a minimum clearance of 2.1 metres from the footpath.
31. A minimum pedestrian clearance of 1.8 metres must be maintained at all times on the footpath.

I acknowledge that I have read and understand the Permit conditions, and agree to abide by the said conditions.

Enclosed with my application is a copy of my current Public Risk Insurance Policy.

Signed for and on behalf of the Permit Holder:

Name: _____ Position: _____

Signature: _____ Date: _____

PUBLIC CONSULTATION PROCESS

The issuing of this permit is subject to Council's Public Consultation Process. The following actions have been taken in accordance with Council's Public Consultation Process.

COUNCIL AUTHORISATION

Permit Approved / Denied _____ Issued to _____

Site inspected by _____ Date _____

Approved hours of operation:

Name: _____ Position: _____

Signature: _____ Date: _____

Fee Payable: \$ _____ Public Risk Insurance valid to _____

Receipt No: _____