

Councillor Couros - QoN - Operating outdoor dining without a valid permit

Tuesday, 23 April 2024

Council

Council Member

Councillor Mary Couros

Public

Contact Officer:

Ilia Houridis, Director City Shaping

QUESTION ON NOTICE

Councillor Mary Couros will ask the following Question on Notice:

'Will the Council issue a warning letter before implementing a \$210 fine for operating outdoor dining without a valid permit? Additionally will the council verify the status of the business before assuming they no longer wish to operate outdoor dining?'

REPLY

1. Council endorsed the reinstatement of outdoor dining fees as part of the 2023/24 Annual Business Plan & Budget.
2. Notification emails regarding the reinstatement of fees were sent to permit holders in July/August 2023, with physical letters distributed as Officers conducted on-site audits during August and September 2023.
3. In September 2023, 530 permit holders received permit renewal notices, which included an invoice for fees.
4. 80% of permit holders have completed the renewal process and paid all fees. The remaining 20% (approximately) remain outstanding, either due to unpaid fees or incomplete documentation.
5. Reminder notices were sent in October 2023 and again in November 2023.
6. In March 2024, further communication was issued, which included notification that permits would be terminated if no action was made.
7. Specifically, the communication advised that if a permit is not renewed or paid by 12 April 2024, Council will assume the business no longer wishes to operate an outdoor dining area.
8. The communication outlined that any business continuing to use outdoor dining without a valid permit beyond this date, risks receiving an expiation.
9. Administration will shortly be advising Consumer and Business Services (CBS) of any permits that are no longer valid, which is likely to void any related liquor licenses. Administration will advise relevant businesses that we have notified CBS about the expiry of their permit.
10. Administration does not intend to send any additional written communication to permit holders before further action is taken.
11. If a business is continuing to use outdoor dining without a valid permit and/or payment of fees, they risk being expiated.

- 12. Expiations will only be issued if an Authorised Officer observes a business actively operating outdoor dining without a valid permit.
- 13. Communication to permit holders has highlighted that if a business is facing financial difficulties and unable to pay the full amount, they can contact Council to discuss payment options.
- 14. This option remains available to any business that contacts Council.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours
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